

California Journal

THE MONTHLY REPORT OF STATE GOVERNMENT AND POLITICS

Special: 1972 Legislative Summary



48% Campaign Cost Jump Reported

Analysis of Ballot Propositions 1-8

One County's Mental Health Reform

September 1972

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A California Journal

Death and taxes

If, as cliché has it, nothing is inevitable but death and taxes, the Legislature inevitably dealt with both subjects before recessing. The Senate dispatched taxes by refusing passage of the compromise measure that had the support of Speaker Moretti and Governor Reagan, who are not known for their shared enthusiasms, and the Assembly killed a bill that dealt with death — specifically, the disposal of bodies. Both measures could be revived in November, but there is notably little interest in resurrecting Jack Shrade's bill to make it harder, as it turned out, for one particular low-cost San Diego funeral society to do business. The senator submitted the bill at the request of Daniel Creedon, a lobbyist representing, in this case, the California Funeral Directors Association. Creedon is also, as it happens, the political friend who was instrumental, two years ago, in a \$5,000 campaign contribution to Schrade, who was then, as an obstetrician might say, at mid-term.

Jesus in the Capitol

While the legislators were thus dealing with matters temporal, a number of their aides and a handful of their own number were turning toward matters spiritual. "We'd all be better off in the Capitol," noted Herbert E. Ellingwood of the Governor's staff, "if we followed God's word." It was an observation that gained significance by coming in the wake of a finding that the historic building is susceptible to such divine intervention as earthquakes. To improve reception of God's word, Ellingwood meets with several friends early Tuesday mornings to engage in 20 minutes of silent prayer for his boss and Lieutenant Governor Ed Reinecke, among other state leaders. On Thursday mornings, six flights above Ellingwood next to the Capitol cafeteria, a Bible study class composed of legislative aides meets, led by Roger Duerksen, who works for Assemblyman Newton Russell of Burbank. At noon the same day, a group of women meets in the office of Lorraine Keppel, secretary to Senator H. L. Richardson of Arcadia, to hear religious speakers, discuss the Bible, and, as she acknowledges, "pray for our bosses." The bosses themselves — a dozen of them, at least — were holding weekly prayer meetings, too, during the session, a practice that Assemblyman Robert Burke of Huntington Beach credited with fostering "recognition that a religious and moral viewpoint is also one to be considered." All of this encourages Ellingwood, who confided to the *Los Angeles Times* that he tries "to turn on one person a day to God." "The Jesus movement is growing in the state Capitol," he says happily, "and this is good."

A home at last?

While this enthusiasm for putting one's celestial

house in order was emerging, progress was being made to equip some future California governor with a heavenly home here on earth. The Los Angeles architect who designed Governor Reagan's home in Pacific Palisades, William Stephenson, was given a \$5,000 contract to propose what a governor's residence should be. If the Reagan home is any guide, the mansion will resemble what has been described as "typically southern California" (*West Magazine*) and "early Howard Johnson" (*Newsweek*.) Stephenson and the Reagans favor a California-Spanish style, however, for what will be the state's first expressly designed gubernatorial residence. It will also be the first to be located outside the capital city. Its site overlooks the American River on unincorporated land 12 miles northeast of the Capitol . . .

Brief interlude

The absence of both the Governor and the Lieutenant Governor from their present Sacramento homes to attend to Republican matters in Florida gave Senate President pro Tem James Mills, third state officer in line of gubernatorial succession, the chance to try out the Governor's office. Mills, a Democrat, played the part with nonpartisan zest; he fired a 19-gun salute to himself on miniature cannons (having to reload since he only had a dozen guns), signed his own bill (which granted use of some gasoline-tax revenue to build bicycle lanes), and met with the Capitol press corps in a coffee-and-doughnuts session that was, by all accounts, as free of animosity as it was of substance. It was all very merry and inconsequential, but also briefer than anticipated, because Reinecke suddenly and unexpectedly reappeared in the Capitol. Did the Republicans consider Mills untrustworthy? Did they fear that this honorable senator, who had given his word to do no such thing, would seize upon the death of a Los Angeles County supervisor to appoint a Democrat to finish the unexpired term and thereby gain the supposed incumbent's advantage? The partisan option was attractive enough to prompt Senator Lawrence Walsh, whose sudden fit of party loyalty impressed some of his fellow Democrats, to blast Mills for refusing to intervene. But Reinecke and Reagan quickly reassured the press and Mills who was reported to be trying out the shower in the Governor's office when interrupted by Reagan's call) that his integrity was certainly not in question. It was just that Reinecke had been picked to organize a fitting reception for President Nixon's homecoming in San Diego. This was a job, as it happened, that Reinecke handled from Sacramento by telephone, an instrument that some Democrats recalled seeing around Convention Hall in Miami Beach.

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Legislative Candidates Report a 48% Rise in Primary Campaign Spending

"It's a crime what it costs to run for office," moaned the finance chairman for one of this year's legislative candidates. And gathering accurate statistics on the costs of running for office is just about as difficult as compiling accurate crime statistics. In either case, a dramatic rise in the figures is as likely to be a consequence of improved reporting as a reflection of actual increases in what is measured.

In the past, candidates for office in California often circumvented the state's campaign finance disclosure law by either concealing actual contributions and expenditures behind vague and misleading reports or failing to file complete reports (see *California Journal*, April 1972, page 116). This was, in fact, common practice, because until 1971 the Secretary of State, who is responsible for administering the election laws, believed his duty to be limited to receiving and filing the reports; it didn't include checking their contents, or even requiring reports from losing candidates. Moreover, the vagueness of the forms themselves encouraged the filing of incomplete, sometimes incompatible, and generally unverifiable information.

Brown gets tough

This state of affairs began to change rapidly, however, when Edmund G. Brown Jr. took office as Secretary of State in 1971. One of his first major acts was to sue 134 candidates who hadn't filed 1970 campaign expense reports. Since then, Brown's office has cranked out a continuous stream of suits and threats of suits seeking compliance with reporting requirements. At the same time, and perhaps as important, Brown's of-

with nearly \$5 million in 1972, despite the fact that the number of candidates remained nearly the same.

Even a cursory look at this year's data reveals the not-unfamiliar truth that it takes a lot of money to win an election. The average candidate spent \$8,295 seeking his party's nomination. The range of spending by candidates, however, ran from nothing to a high of \$217,429 reported by Fortney H. Stark, a successful candidate for the Democratic nomination for the 8th congressional district. Surprisingly, Democratic candidates outspent Republican candidates for their party's nomination for Congress and the Legislature. This might be credited to the fact that there were more Democratic candidates than Republicans, except that the candidates for the Democratic nomination for Senate and Assembly seats outspent their Republican counterparts on the average, as well.

Big-spending winners

The five biggest spenders for Senate, Assembly and Congress were Stark, who upset incumbent Representative George P. Miller for the Democratic nomination in the 8th Congressional District; Republican Representative Paul N. McCloskey in the 17th Congressional District; Roger Boas, who won the Democratic nomination in the 6th Congressional District; Senator Mervyn M. Dymally, Democratic incumbent from the 29th Senatorial District; and Assemblyman Walter J. Karabian, incumbent from the 45th Assembly District. McCloskey, who challenged President Nixon early this year in hopes of offering an alternative at the Republican convention, reported spending \$183,442 to win renomination, but included many of his costs from the Presidential campaign when he filed his congressional primary report. Moreover, when he finally decided at the last minute to run for reelection to Congress, he had a lot of catching up to do against two strong challengers in a reapportioned district that was almost all new territory for him. Boas, on the other hand, ran virtually unopposed in the primary. He faces a tough battle to unseat incumbent William Mailliard in November, however, and spent \$144,965 preparing for that battle while his Republican opponent spent only \$2,054, according to their reports.

Dymally, who reported spending \$77,847, and Karabian, who reported \$146,205, had little or no primary opposition and hold secure legislative seats. Their reported expenditures were the highest for their respective houses largely because they included in their figures a number of contributions to other campaigns. Karabian, for instance, donated some \$54,000 to the campaign of his former administrative assistant, Rich-

CAMPAIGN EXPENDITURES 1970 - 1972

	Primary 1970	General 1971	Primary 1972
Congress	\$1,384,696	\$1,826,164	\$2,516,752
Senate	554,939	1,215,008	474,973
Assembly	1,406,278	2,558,278	1,975,459
TOTALS	\$3,345,913	\$5,599,450	\$4,967,184

fice has entirely redesigned the campaign reporting forms to make full disclosure easier. With a smoothed path before and hellfires behind, it is not surprising that candidates and campaign committees have begun to file more detailed and complete reports.

Thus, the fact that reported spending for congressional and legislative primary campaigns has risen by \$1.7 million, or 48.5 percent, between 1970 and 1972 must be credited in large part to improved reporting by candidates and campaign committees rather than to inflation or increased rates of spending. In 1970, \$3.3 million was reported spent in the primary, compared

ard Alatorre, who was running for the Democratic nomination in the 48th Assembly District, and \$10,000 to David Roberti's successful 1971 campaign for the state Senate. Dymally reported contributions to Alatorre and Assemblyman Bill Greene, among others.

Big-spending losers

There were some big-spending losers, too, three of them figuring among the 10 top spenders in all races. They were Terry Goggin, who spent \$92,641 in an unsuccessful campaign for the Democratic nomination in the 38th Congressional District; Dr. William McColl, who vainly sought the Republican nomination in the 20th Congressional District; and Gary Girard, who failed to win the Republican nomination in the 43rd Assembly District. Most of the big-spending losers were involved in fairly competitive races. William B. Hugle, for example, spent \$64,196 losing to James W. Steward for the 17th Congressional District Democratic nomination. Goggin and Ruben S. Ayala both spent more than former Congressman George E. Brown Jr., the eventual winner in the hard-fought 38th Congressional District race.

Cost per vote

While winners and losers alike spent heavily seeking to represent their parties, the losers generally ended up spending the most for each vote they won. John H. Woods Jr., Republican candidate in the 38th Congressional District, earned the distinction of spending more for each vote he received than any other candidate in the state. Woods' campaign expenses of \$61,280 amounted to \$9.15 for each of the 6,699 votes he received while losing by nearly 7,000 votes to a candidate who reported spending only \$16,780. In the same district, Democrat Goggin spent the equivalent of \$8.29 per vote received.

In the 20th Congressional District, four candidates seeking the Republican nomination spent their way into the 10 top spenders per vote for all legislative races, and all four lost. Carl R. Chandler, who spent \$9,692, got only one vote for every \$7.60 spent, but even at that ranked second to J. DeWitt Fox, who spent \$8.24 for each of his 4,926 votes. Lewis L. Mathe's expenses amounted to \$7.44 for each of the 826 votes he received, and Samuel M. Cavnar spent \$5.98 for each of his 1,506 votes.

On the average, the primary campaign cost incumbents less than 50 cents per vote. Nevertheless, several incumbents managed to spend more than \$1.00 per vote. Karabian and David C. Pierson spent more than \$2 for each of the votes they received, Pierson in a losing effort. The three incumbents who lost — Assemblyman

THE BIGGEST SPENDERS

EXPENDITURES

NAME & PARTY	DISTRICT	AMOUNT
CONGRESS		
<i>Stark*</i> (D)	8	\$217,429
<i>McCLOSKEY</i> (R)	17	183,442
<i>Boas</i> (D)	6	144,695
Goggin (D)	8	217,429
<i>Hinslaw</i> (R)	39	87,029
McColl (R)	20	75,090
<i>Moorehead</i> (R)	20	71,708
Hugle (D)	17	64,196
SCHMITZ (R)	39	63,124
Woods (R)	38	61,280
SENATE		
<i>DYMALLY</i> (D)	29	\$ 77,847
<i>WEDWORTH</i> (D)	31	49,396
<i>Berryhill</i> (R)	3	32,651
Cunningham (D)	31	31,990
ASSEMBLY		
<i>KARABIAN</i> (D)	45	\$146,205
Girard (R)	43	69,789
<i>Berman</i> (D)	57	48,080
PIERSON (D)	65	46,677
Deats (R)	39	37,636
Zanelli (D)	48	37,562

*Incumbents are capitalized; winners are italicized

CONTRIBUTIONS

NAME & PARTY	DISTRICT	AMOUNT
CONGRESS		
<i>Boas</i> (D)	6	\$198,153
<i>McCLOSKEY*</i> (R)	17	183,653
<i>Stark</i> (D)	8	158,974
Goggin (D)	38	96,375
Barry (R)	17	81,919
McColl (R)	20	81,417
<i>Brown</i> (D)	38	79,087
<i>SCHMITZ</i> (R)	39	75,883
<i>Moorehead</i> (R)	20	74,799
Mills (D)	37	60,437
SENATE		
<i>SCHRADE</i> (R)	39	\$103,040
<i>DYMALLY</i> (D)	29	78,072
<i>KENNICK</i> (D)	33	60,795
ASSEMBLY		
<i>KARABIAN</i> (D)	45	\$156,941
Girard (R)	43	69,789
PIERSON (D)	65	50,306
<i>GONSALVES</i> (D)	66	50,150
<i>Berman</i> (D)	57	48,309

Pierson and Representatives John G. Schmitz and George P. Miller — each spent more than \$1 per vote, as did several other incumbents who had to fight to retain their seats: McCloskey, \$6.45; Senator James Q. Wedworth, whose opponents for the Democratic nomination in the 31st District had a combined vote more than twice as large as his, \$1.73; Assemblyman Bill Greene, who won the Democratic nomination in the 53rd District, \$1.68; and Assemblyman Alex Garcia, who won by only 600 votes while spending five times more than his 40th Assembly District Democratic primary opponent, \$1.80.

Incumbents and challengers

Incumbents spent less than challengers, but incumbent winners spent more than non-incumbent winners. While incumbents have improved access to campaign funds, they also generally enjoy better name-identification than their opponents, which would seem to reduce their need to spend as much for publicity. It may be that, in politics as in other fields, if there is

1972 PRIMARY CONTRIBUTIONS BY PARTY

	Congress	Senate	Assembly	Total
Democrats	\$1,665,773	\$350,127	\$1,430,023	\$3,445,923
Republicans	1,250,470	310,899	875,320	2,436,689
Third Parties	16,322	374	2,605	19,301
TOTALS	\$2,932,565	\$661,400	\$2,307,948	\$5,901,913

1972 PRIMARY EXPENDITURES BY PARTY

	Congress	Senate	Assembly	Total
Democrats	\$1,396,524	\$316,385	\$1,196,913	\$2,909,822
Republicans	1,106,012	158,314	775,418	2,039,744
Third Parties	14,216	274	3,128	17,618
TOTALS	\$2,516,752	\$474,973	\$1,975,459	\$4,967,184

1972 PRIMARY EXPENDITURES

Winners vs. Losers & Incumbents vs. Non-incumbents
Major Party Candidates

	Congress	Senate	Assembly	Total
Incumbents	\$ 601,088	\$261,262	\$ 765,346	\$1,627,696
Non-incumbents	1,846,296	213,437	1,206,985	3,266,718
Winners	\$1,460,515	\$354,934	\$1,177,371	\$2,992,820
Losers	1,042,021	119,765	794,960	1,956,746
Incumbent				
Winners	\$ 521,179	\$261,262	\$ 718,477	\$1,500,918
Non-incumbent				
Winners	939,336	93,672	458,894	1,491,902

1972 PRIMARY CONTRIBUTIONS

Winners vs. Losers & Incumbents vs. Non-incumbents
Major Party Candidates

	Congress	Senate	Assembly	Total
Incumbents	\$ 934,038	\$451,571	\$1,106,691	\$2,492,300
Non-incumbents	1,982,205	209,455	1,198,652	3,390,312
Winners	\$1,768,698	\$538,284	\$1,559,991	\$3,866,973
Losers	1,147,545	122,742	745,352	2,015,639
Incumbent				
Winners	\$ 836,279	\$451,571	\$1,056,385	\$2,344,235
Non-incumbent				
Winners	932,419	86,713	503,606	1,522,738

money to spend it will be spent, but primary election expenditures also reflect preparation for the general campaign — especially where the candidate has little or no opposition in the primary but faces a tough general election contest. For instance, Representative John J. McFall, who won the Democratic nomination in the 15th Congressional District without opposition from either party, spent \$35,977 in order to build up strength for an anticipated fall contest with a write-in candidate.

Contributions

Although the reporting of campaign expenditures appears to be more detailed and complete this year, it is still very difficult to compile an accurate picture of the sources of each candidate's campaign contributions. Candidates were only required to itemize the source and amount of contributions exceeding \$500. Nonetheless, several chose to itemize all contributions. These fully itemized campaign statements show that in addition to the large contributors who give substantial amounts to one or more candidates, there are others who apparently give small contributions (less than \$500) to many candidates. These "small" contributors appear buried among long lists of mostly \$5 and \$10 contributors. How much such donors give to all legislative races combined is still impossible to determine. Furthermore, some contributors donated to campaigns through several sources. Lobbyist James Garibaldi, for example, contributed to campaigns through bank accounts called "C-B Trust", the "H-P Trust", the "S-C Group", as well as under his own name and the names of several of the companies he represents before the Legislature. It would take the aid of a computer to piece together a complete picture of all contributors and their benefactors, to unravel all the relationships between contributors and candidates. Unfortunately, no one has yet set about to do this. 🏠



CALIFORNIA CALENDAR

Meetings of the following state boards, commissions, and councils are listed each month; if one of these is not listed, it can be assumed that it is not scheduled to meet this month. Boards, commissions, and councils to be included are: Board of Education; Board of Equalization; Board of Governors of the California Community Colleges; Board of Trustees of the California State University and Colleges; Consumer Advisory Council; Coordinating Council for Higher Education; Council on Criminal Justice; Highway Commission; Little Hoover Commission; Park and Recreation Commission; Regents of the University of California; and Social Welfare Board.

- Sept. 11-15 **Board of Equalization.** Board Hearing Room, 1020 N Street, Sacramento. 2 p.m.
- Sept. 13-14 **Housing Conference** sponsored by the State Department of Housing and Community Development. International Hotel, Los Angeles. (Pre registration \$35.00; registration at door \$40.00.) For further information and preregistration contact: Department of Housing and Community Development, 1121 "O" St., Sacramento 95814. (916) 445-4775.
- Sept. 14-15 **Board of Education.** B 109 Auditorium, 1350 Front Street, San Diego. 9 a.m.
- Sept. 14-15 **Annual Conference of the California Association of Local Agency Formation Commissions.** Newport Inn, Newport Beach.
- Sept. 15 **Little Hoover Commission.** Room 5039, 350 McAllister Street, San Francisco. 10 a.m.
- Sept. 15 **Park and Recreation Commission.** Sugar Pine Point, Lake Tahoe.
- Sept. 20-21 **Board of Governors of the California Community Colleges.** Airport Marina Inn, Los Angeles. 9:30 a.m.
- Sept. 21 **Highway Commission.** Elks Club, 151 East Line Street, Bishop. 9 a.m.
- Sept. 21-22 **Social Welfare Board.** 9/21 — Mansion Inn, 700 16th Street, Sacramento. 7:30 p.m. 9/22 — Executive Dining Room, Office Bldg. #9, 744 P Street, Sacramento. 9 a.m.
- Sept. 22 **Regents of the University of California.** University Extension Center, 55 Laguna Street, San Francisco. 9:30 a.m.
- Sept. 26-27 **Board of Trustees of the California State University and Colleges.** Third Floor Auditorium, Office of the Chancellor, 5670 Wilshire Blvd., Los Angeles. 9 a.m.
- Sept. 28 **Council on Criminal Justice.** Host of Sacramento Airport Hotel, Metropolitan Airport, Sacramento. 9:30 a.m.

The following boards and commissions follow a standard monthly schedule and thus are not included in the Calendar: Allocation Board, second Tuesday of each month; Board of Agriculture, first Thursday; Commission of Housing and Community Development, third Wednesday of every other month; Lands Commission, last Thursday of each month; Merit Award Board, second Wednesday; Public Works Board, last Monday; Reclamation Board, second and fourth Fridays; San Francisco Bay Conservation and Development Commission, first and third Thursdays; Soil Conservation Commission, fourth Tuesday; Transportation Board, first Thursday; Water Commission, first Friday; and Water Resources Control Board, first and third Thursdays. Please contact the agency for meeting time and place.

Sacramento County

One County's Experience with Mental Health Reform

By TED FOURKAS

The June-July issue of the California Journal carried a lengthy article on the history and impact of the state's Lanterman-Petris-Short Act in the field of mental health. That act, together with several important pieces of state and federal legislation that preceded and followed it, has resulted in a dramatic shift in the state mental health program from an emphasis upon state hospitalization for the mentally ill to reliance upon community mental health services which minimize hospitalization.

That much is clear; what is not clear is whether the counties have actually been able to reorganize and expand their programs to meet the need of the mentally ill. The following article explores the problem from the point of view of a single county — Sacramento. There is no way of telling whether or not Sacramento County is average or not — some state officials seem to believe its program is distinctly above average — but it is at least probable that many of the developments which have taken place in this one county, and many of the problems that have arisen, have also occurred in many of the state's 57 other counties.

"Six months," said the lady from Sacramento, frowning her disapproval. "Six months it took to get that boy into a state hospital, and he was even threatening to blow up the capitol. We had to pull every string we could think of." Two Sacramento County officials grinned when told about the incident; to them the criticism was a compliment.

There was once little problem admitting someone from Sacramento County to a state hospital. In fiscal year 1967-68, for example, 853 patients were sent to state hospitals by the county. The next year, 1,058 were admitted. Then a remarkable turnaround began. A chunky, crewcut, soft-spoken psychoanalyst named Donald G. Langsley took over as chief of the Department of Psychiatry at the new medical school at the University of California, Davis, and also became head of Sacramento County's mental health services. Under Langsley's direction, the county program quickly expanded, and at the same time state hospital admissions fell precipitously. In 1969-70, they dropped by more than half, to 409; the following year they dropped to 271; then last fiscal year the figure was down to 138. The change in the Sacramento program and the drop in state hospital admissions was "phenomenal", says Steve Thompson, mental health consultant to the state Assembly's Ways and Means Committee. Thompson, who has helped develop much of the major mental

health legislation enacted in recent years, considered Sacramento County's mental health program "one of the poorest" in the state a few years ago. Now he rates it "very high."

Local commitments decline

The drop in hospitalization was not limited to state institutions. In December 1970, the Sacramento Medical Center, which is both the county hospital and the teaching hospital for UC Davis, had 72 beds for psychiatric inpatients. During a budget crisis, two mental wards were shut down, leaving one ward with 37 beds to serve about 60 percent of the county's 634,000 residents. But when the crisis was over, the two wards were not reopened for inpatients. The single 37-bed ward has proven to be more than enough; recent occupancy has been running at about 20 beds, leaving the ward nearly half empty.

The trend has also affected the two community hospitals used by private psychiatrists, Sutter Memorial Hospital, which has 86 mental health beds, and American River Healthcare Center, which has 38 mental health beds. The two hospitals contract with the county to provide comprehensive mental health services for about two-fifths of the county's residents. Private psychiatrists concede they're more apt to admit a patient to a hospital than is the county staff, yet state hospital admissions from American River are as low as those from the Sacramento Medical Center. County officials grumble about Sutter, which served 16 per cent of the population but has 41 percent of state hospital admissions. But the old, core city area served by Sutter has always had by far the highest percentage of state hospital admissions, and the decline from Sutter's area has been as striking as the drop in other areas.

Length of stay

The average length of stay for a patient undergoing therapy at the Sacramento Medical Center has also declined — to a relatively short 8.6 days. Again, private psychiatrists acknowledge they are more likely to keep a patient hospitalized longer; for one thing, private practitioners do more electric shock therapy, and a series of such treatments can easily mean several weeks of hospitalization. Yet the average length of stay at Sutter also has been dropping, to an average now of 14 to 16 days.

These changes do not suggest that Sacramento has been ignoring the kinds of patients once hospitalized, but that it is treating them in a rapidly expanding local program. "Direct" services — such as outpatient therapy and day care — were the initial emphasis, and the program is now beginning to provide school counseling

Ted Fourkas is a Sacramento-based reporter who specializes in medicine and science.

and other "indirect services". Work has begun on drug abuse, and the county is on the verge of implementing a major alcoholism program.

Good old days

All this is a far cry from the Sacramento Medical Center of the 1960's. There was then some therapy for patients in an unlocked ward called Ward 12. Most patients, however, were admitted to Wards 10 or 11, there to be observed and released, or sent on to DeWitt State Hospital. Men and women were segregated in Wards 10 and 11; the doors were locked, and the windows heavily screened to prevent escape. Patient beds crowded the cell-like rooms (Langsley calls Wards 10 and 11 "jails"), and spread along both sides of the main corridor in each ward. Once or twice a week, a judge came to hold court in the wards. The next day, one or more sheriff's cars would arrive to take committed patients to DeWitt.

A private psychiatrist calls the old medical center a "snakepit". He remembers patients chained to their beds, and feces on the floor. However, Millie Stork, a licensed psychiatric technician who has been at the medical center for 18 years, defends the old system. "Once we got all the suicidals, all the alcoholics," she explains. "There was no place else to go; choices back then were very slim." She admits that there was little or no therapy, but she says, "Patients have always gotten good care in the 18 years I've been here. Now they're getting more care." This viewpoint is largely shared by Barbara Debert, now a supervising psychiatric social worker, who started working for the county in 1963. There was no treatment or therapy for mental patients, she agrees, "But morale was good. We had a team approach, everybody had a job, all of us kept busy and were very much involved. I felt we were doing the patients some good — not as much as we're doing now . . . A lot of people got railroaded to the state hospital, a lot who certainly didn't belong there and who we wouldn't send now."

Short-Doyle Act

In March 1965, the county started a small outpatient clinic with funds from the state's Short-Doyle Act. A Viennese-born psychoanalyst on the staff couldn't pronounce that name, says Mrs. Debert. "She called it the shut-door clinic, and that's just what it was." Elsewhere in Sacramento County, a few private agencies were doing some work with mental patients, but the most progressive program was at Sutter, Sacramento's prestige Protestant hospital. Sutter had a program of treatment of psychiatric patients going in 1960, and a children's outpatient service was begun in 1965. In that same year, Sutter doctors began children's consultation services with the public schools and with the county welfare department. But there were only 39 private psychiatrists in Sacramento in 1967 (now there are 55), and there was far less care available for mental patients than in a city like San Francisco or even Denver, Colorado.

Crisis intervention

Denver was then the home of Dr. Langsley, who was doing research at the University of Colorado medical school on "crisis intervention" — a system of treatment that would eventually have a powerful impact on Sacramento mental health services. Crisis intervention is the treatment of a disturbed person and his family dur-

ing a period of crisis, or, in Langsley's words, "at the moment of the cry for help." Langsley describes crisis intervention as an ambulatory outpatient service "designed to remove pain, relieve symptoms and restore function. Then, if a long-term problem remains, do something else." Some psychoanalysts disagree, arguing that the removal of symptoms destroys a patient's incentive to correct his problems. Langsley rejects this criticism however saying "if someone is bleeding in the street, you don't give him a complete physical, you stop his bleeding."

The work Langsley did in Denver contributed greatly to his reputation in psychiatric circles, and most of it involved testing the effects of crisis therapy against hospitalization. "Don took schizophrenics, treated half by hospital admissions, half by crisis therapy with the family, and followed them for 5 years," explains Dr. James Barter, a colleague of Langsley in Denver and now deputy director of the Sacramento County program. "He was able to show that the patients kept out of the hospital did as well, if not better, than those hospitalized. He found out that if a person had been hospitalized before, it was almost impossible to prevent rehospitalization. But if not hospitalized, you could keep more than 90 percent out. It sounds trite, but you reinforce the patient's confidence in taking care of himself. That's had a tremendous effect on us, not only in keeping people out of state hospitals, but in keeping them out of beds ourselves. We've gotten better and better at using drugs, and keeping people in the community. Don took a theory, tested it out, and it's been put into a whole program."

Langsley came to UC Davis in June of 1968, and took over the county program the next January. Barter arrived in July 1969. After their arrival, the county program began to expand rapidly. In 1968-69, the county mental health program had 66 authorized positions; 15 of those were for psychiatrists, but the county had been able to recruit only 5. This year, the number of authorized positions has climbed to 143, of which 17 are for psychiatrists, and all are expected to be filled. Moreover, the figures do not include 6 psychiatrists and 1 psychologist on the UC Davis payroll, or the Sutter and American River staffs.

Leap backward

Coming to Sacramento was "like taking a decade leap backward," says Barter, but he and Langsley found that building a new program was, in some ways, easier than taking over an established program because there wasn't an established multiplicity of services to be administered and coordinated. The lack of services made it possible for the UC Davis Department of Psychiatry to become the first — and probably still the only — such department to take over responsibility for a county's entire mental health services. According to Langsley, medical schools have traditionally avoided a commitment to service, but now, he says, "Sacramento County is the model around the country." The medical school tie has been a distinct advantage to the county in attracting qualified staff and obtaining valuable federal grants.

The arrival of Langsley and Barter also followed passage of the Lanterman-Petris-Short Act, which went into effect in 1969. The act granted civil rights to the mentally ill and greatly changed procedures and requirements for commitments to mental institutions (see *California Journal*, June-July 1972).

OTHER COUNTY MENTAL HEALTH SERVICES

The Department of Mental Hygiene has just begun a program to evaluate community mental health service throughout the state (see *California Journal*, June-July 1972, p. 185), so that at present little is known about the comparative quality of the individual county programs. According to Steve Thompson, consultant for mental health programs to the Assembly Ways and Means Committee, however, San Mateo County is still the model for the state, with Orange, Sacramento, Santa Barbara, Yolo, San Diego, and Humboldt Counties also among the leaders in this field. Los Angeles County, said Thompson, has "one of the poorest programs." San Francisco's program, he said, used to be a poor one, but now is becoming much better, while Alameda County "started out with good intentions, but has become a very mediocre program. They never really reversed the trend to state hospitals," he explained, "state hospitals became the dumping ground for alcoholics.

"For a long time," Thompson said, "[county] mental health directors believed in community mental health programs, but there was no fiscal incentive to reduce state hospitalization. Los Angeles hasn't really ever turned that around. You have a program in Los Angeles where no one's in charge of all the components."

Dr. J. M. Stubblebine, Director of the Department of Mental Hygiene, seems to agree, at least in part. "One of the problem counties is Los Angeles," Stubblebine said recently. "It's turned around, it's just such a big program it takes a long time to turn it around and get it moving — like docking the [U.S.S.] Enterprise. But it's going in the right direction. There's more emphasis on crisis intervention and direct services; in the past, for historical and valid reasons, they had an emphasis on preventive and educational services, now they're rounding out the program."

Los Angeles Times writer Doug Shuit reported in May that the privately owned board-and-care homes in Los Angeles County, which have taken in many of the patients previously sent to state hospitals, presented a mixed picture at best. Several were found to be excellent in terms of facilities and treatment programs, but others were no more, according to a Los Angeles psychiatrist, than "a series of poorly staffed, poorly equipped miniature mental hospitals." Part of the reason for this, apparently, is that the reversal of the state program came so fast that there simply weren't the necessary local facilities, public or private, to handle the patients no longer sent to the state hospitals. Moreover, the state failed to establish necessary regulations at the outset as to standards of care, and the county responsibility in this field was divided among six different agencies.

Los Angeles County recently surveyed 874 board and care facilities which serve more than 11,000 resident patients and found that many of these homes provide nothing more than custody. "There is lots we can do before we can say board-and-care is an adequate substitute for an institution," commented the county's deputy director of mental health, Dr. Areta Crowell.

Both men believed in the purpose of the new act, and it made it far easier for them to change the direction of the Sacramento program. The county administration was also cooperative, and all these elements together got the new program off to a fast start.

Contract services

One of the first steps was to contract for a number of services that the county could not provide or did not provide well. Thus Sacramento County now offers a drug abuse program through the Aquarian Effort, counseling for troubled persons and their families through the Family Service Agency, and help for persons in minority and poverty areas through the Mental Health Aides Services of Sacramento. It also provides funds for the New Horizons Club, a social and rehabilitative club for the mentally troubled; the Sacramento Children's Home, a therapeutic institution for boys and girls age 6 and older; the Suicide Prevention Service, which runs a telephone crisis line for persons threatening suicide; the Children's Center of Sacramento, which provides day treatment of severely disturbed children; and the state Department of Rehabilitation, which provides vocational rehabilitation services.

Service areas

One of the most important contracts has been with Sutter hospital, which by the time Langsley and Barter arrived was well ahead of the rest of the county in community mental health services for children, resident patients, and out-patient services. When Langsley divided the county into five service areas Sutter was given responsibility for providing care in the central area, which includes Sacramento's downtown and older areas. By early 1970, Sutter had added day care and walk-in services, and had begun adult consulting services with the county welfare department. Seeing that American River Healthcare Center had the potential to do much the same, Langsley contracted with it to provide services in the Arden-Fair Oaks area, made up mainly of middle-class, white suburbs.

The county itself took over services in the other three county service areas: the north area, with a high percentage of small, older homes and many black families; the east area, a vast sprawling area that extends from suburbia to empty, rolling pastureland; and the south area, a long, convoluted dogleg stretching from the middle of the City of Sacramento to the farms and little towns of the Sacramento River delta. A separate team was created for each of the three county areas, and each was expected to provide nearly the full range of services in its area. At the outset, these were "direct" services, such as group therapy, inpatient and outpatient services, day care, and the like. Children's services were integrated with adult services, an innovative step. In addition, social workers, psychiatric technicians, and psychologists were trained to provide therapy, which may surprise the layman but is not new. Now the county's three teams are expanding into "indirect" services, such as consulting with school districts about problem children.

Slow decentralization

Plans are to continue to treat resident patients at the Sacramento Medical Center, but to otherwise move the three teams out to the areas they serve. So far, however, Barter says, this effort has amounted to

"three years of frustration." The north team has only four small offices in a neighborhood health center in the north area; it recently won county approval for a new, 6,000-square-foot facility, but actual construction has apparently been stymied by the Sacramento Redevelopment Agency. Thus the north team can offer no day care, and must see many of its patients in the former juvenile hall adjacent to the medical center. The same building is home for most of the east and south teams. However, a 6,000-square-foot building will soon go up in the east area for the east team, and an 8,000-square-foot building is being built at the medical center for the south team. When these new facilities are occupied, each team hopes to decentralize still further with smaller "satellite clinics", and the south team even plans a mobile clinic to serve the Delta.

Decentralization is also planned for other services. For example, it is planned to move some part of the present methadone maintenance program, which now serves 200 heroin addicts at the medical center, to the outlying clinics. Similarly, the county is in the final phases of planning for a comprehensive alcoholism program that will offer basic services at various locations throughout the county. A few services will probably remain centralized at the Sacramento Medical Center, however. One is the 24-hour crisis intervention clinic, which has an emergency room for the mentally disturbed and serves all five county services areas. Another may be a detoxification center, where alcoholics and drug addicts can undergo withdrawal.

Cost savings

With the development of these programs, and the decline in state and local hospitalization, the statistics for outpatient treatment have grown rapidly. There are now about 36,000 outpatient visits a year, about five times the pre-community program level. The crisis intervention clinic, which began in July 1969, served 3,542 persons the first year, 5,856 the second, and 7,063 the third. The cost to the county for the expanding program has stayed at between \$525,000 and \$600,000 each

year, but the total local mental health budget, augmented mainly by state (Short-Doyle) funds, has climbed steadily: \$1.9 million in 1968-69; \$2.1 million in 1969-70; \$3.4 million in 1970-71; and \$4.4 million in 1971-72. Meanwhile, state hospital charges to the county have fallen from \$3.2 million in 1969-70 to \$2 million in 1970-71, to \$1.5 million in 1971-72. The total state and county budget for Sacramento residents has thus increased only about \$500,000, yet it is a sore point with the county that it does not receive all the funds it has saved the state by reduced hospitalization. There are still about 120 Sacramento residents in state hospitals, says Langsley, which costs the state about \$16,000 a year each, or about \$1.9 million in total. Yet if all were released, the county would receive only \$800,000 a year more in state funds.

Former state patients

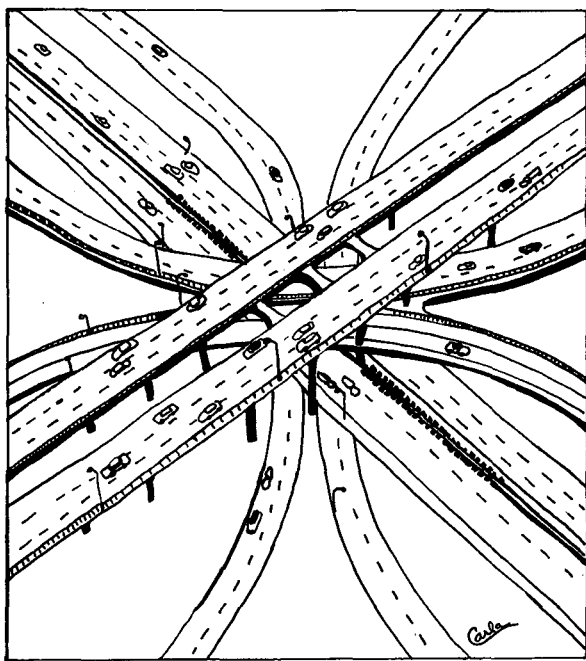
Care for former state hospital patients (usually called "aftercare") is one of the inadequacies of the Sacramento County program, as it is elsewhere in the state. It particularly worries Dr. Edward Rudin, director of Sutter Hospital's mental health program. "The great scandal that may hit us is that we've transplanted the back wards of the hospitals to a lot of small houses in the community," he says. Aftercare usually means residence in board-and-care homes which can also provide some treatment, and Rudin expects an aging population will need that kind of facility even as the number of former state hospital patients diminishes. About a fourth of the population in Sutter's service area, he points out, is over 65 years of age.

Langsley prefers not to use the term "aftercare" but refers instead to Community Alternatives to State Hospitalization (CASH). The acronym is no accident, because one objective of the CASH program is to further reduce state hospitalization, and thus bring the county more state funds. The program at present includes three principal elements: a "tracking system", which Langsley says is intended "so people don't fall through the cracks and get lost" after release from state hospitals; a series of rehabilitation programs for those who live in board-and-care homes; and a large corps of trained volunteers to work with the board-and-care homes. Langsley concedes, however, that the two treatment elements are still largely in the planning stage; so whatever it may be called, direct services to board-and-care home patients is still more a plan than a fact in Sacramento County.

Other shortcomings

There are other shortcomings, as well, mostly related to the fact that Sacramento is a newcomer to community mental health. Mental patients in the Sacramento Medical Center still are in a ward physically designed for bed patients, not active, walking patients; not only is there no day care for the north team, but day care for east and south teams is hampered by inadequate facilities and restricted to no more than three hours a day; and the county does little as yet under the methadone maintenance program to train or simply occupy the time of former heroin addicts who suddenly have time on their hands.

Moreover, it is not clear that the two community hospitals can get away from the hospital setting as the county teams plan to do; nor is it clear they will use mental health professionals other than psychiatrists as



extensively as the county. The American River Healthcare Center only last January hired its first full-time mental health director, Dr. Elmer F. Galioni, who was head of the state hospital system for 11 years. ("Now instead of phasing out a program, I'm phasing in a program," he remarks wryly.) Galioni is still in the planning stages, and the center will receive \$200,000 from the county this year with which Galioni hopes to maintain resident patient services, intensify outpatient and day care services, and begin to plan community education and community information services. The Sutter program will receive \$237,000 from the county, which Dr. Rudin estimates to be \$50,000 less than the hospital actually pays out for the community mental health program. "I don't think we're turning anyone away," says Rudin, "but that doesn't give any attention to the patients we're not seeing because there's no reaching out for them." If he had the funds, Rudin would expand aftercare services, and do more for the elderly and for the Chicano drug-abusers in his service area. He would also like to increase contact with adolescents who in the last few years have come to the hospital in smaller and smaller numbers.

Praised nonetheless

Despite these weaknesses, the Sacramento County program apparently is now well regarded throughout the state. "It still has to grow a little more to meet the needs in some areas," says Dr. J. M. Stubblebine, director of the state Department of Mental Hygiene, but, he adds, "They're in transition, and they're headed in the right direction." The program, he says, is "a very, very good one. Its hospital prevention, crisis intervention, dispersed network of services — all are strong points, but most important of all is a qualitative thing that derives from leadership. It has strong, effective, humane leadership." Not everyone agrees with that last comment, because Langsley has made some enemies among his staff and among private psychiatrists. His critics say he is a ruthless empire-builder who personally dominates the county program and brooks little interference or criticism from others, although even these critics credit him with a great deal of hard work and talent and extraordinary accomplishments.

Hospitalization vs. crisis intervention

There are also some basic disputes over the kind of treatment the county provides. One is the disagreement between Langsley and private psychiatrists over short-term hospitalization. Dr. Rudin, for example, agrees that crisis intervention is valuable, and that long-term state hospitalization causes regression and dependency, but, he says, some psychiatrists "feel dependency and regression is an essential part of recovery for some patients, if you don't allow it to become chronic institutionalism. The classic example of this is the rest cure for the wealthy. This is what's behind vacations." Rudin himself believes that hospitalization is important in many cases. "The trick", he says, "is to develop an environment in which the individual is encouraged to work on his problem, rather than just getting away from it, and to make hospitalization as short as possible." Langsley, on the other hand, believes that "the moment you admit someone to a mental hospital you've made a big difference. The stigma can cause you to be thrown out of the race for the Vice Presidency, it can keep you out of college, it can keep you from getting a driver's license."

There is also some controversy locally as to whether the county's crisis clinic takes too many risks. "Even patients who present themselves as dangerous to themselves or others may be refused hospitalization on the basis of a clinician's judgment that they have sufficient ego resources to handle themselves," says Rudin. There are cases, he says, in which psychiatrists have referred a patient to the clinic at night, only to have the patient released and commit suicide. Not long ago, the newspapers reported one such story concerning a woman who had been brought to the crisis clinic after threatening suicide. She was released, and shortly afterward killed her husband. According to a police official, a middle-aged couple was twice taken to the clinic for attempting suicide and both times released. The third attempt came when neighbors smelled gas coming from the couple's house. "They were going to blow their house up," said the official. "We caught some flak on that one." The same police official concedes, however, that such incidents may simply be caused by bad judgment. "I'm sure they have mistakes in judgment just like we have failures in judgment," he says.

"Mistakes happen," concedes Langsley, "but I don't think you set up a program to deal with the occasional problem. The people in the criminal justice system are the least comfortable with the Lanterman-Petris-Short Act, because it makes it hard for them to lock up people who are a nuisance. The police bitch at us because they can't automatically bring someone in and dump him on our doorstep. We send away many people who they think would better be admitted, but whom we shouldn't admit as a convenience to the criminal justice system. Mental hospitals ought not to be used to deal with community nuisances."

There are shortcomings in the Sacramento County program, there are disagreements, there is some unhappiness, but they all seem minor compared with the vast changes in the way the county handles its mentally ill. The old days are gone, and few regret it. Even those who felt more comfortable in the earlier setting understand the difference. Barbara Debert, for example, remembers the days when the staff was small and she could specialize in the work she liked best. Would she go back if she could? "This is heresy," she replies, smiling. "For me, yes, I liked it." And then she adds, "For the patient, no." ■



Analysis of November Ballot Propositions 1-8

In the August issue, we presented a description and brief analysis of four initiatives that will be on the November general-election ballot (state salaries, highway patrol salaries, obscenity regulation, and farm labor). Now that the propositions have received numbers from the Secretary of State, we are continuing our

coverage of all 22 propositions with propositions one through eight. We will conclude our analysis in the next issue, which will cover the remaining 10 propositions and several of the campaigns undertaken to either secure or block their approval by the voters.

1 BONDS TO PROVIDE PUBLIC COMMUNITY COLLEGE FACILITIES. This act provides for a bond issue of one hundred sixty million dollars (\$160,000,000).

The first proposition on the ballot is to authorize a \$160 million state bond issue to assist in financing the construction of community college facilities. This is the third such bond issue to be placed before the voters of the state; in 1964 the voters authorized \$50 million in state bonds for community college construction, and in 1968 they approved a \$65 million bond issue for this purpose. The last of the proceeds of the 1968 bonds were appropriated by the Legislature for construction in 1971-72. Of an estimated \$450 million invested in public community college facilities over the past 15 years, \$145 million has come from state funds, including bond proceeds and current revenues.

The proceeds of this bond issue are to be expended according to the Junior College Construction Act of 1967. That act requires every community college district to submit to the Chancellor of the California Community Colleges each year a 10-year capital construction plan. These plans outline each district's academic program, enrollment projections (prepared by the State Department of Finance), current enrollment capacity, inventory of existing facilities, and estimate of future building needs. These plans are reviewed and approved by the chancellor's staff. When its 10-year plan has been approved, each district may then submit to the chancellor a project or projects for joint state and district funding according to state standards as to the amount of space required to provide for the projected enrollment. Projects which are approved for state funding by the chancellor and the Department of Finance are included in the annual budget bill reviewed by the Legislature. The amount of funding for each project is determined according to a standard formula which compares each district's assessed valuation per student to the assessed valuation per student of all com-

munity college districts in the state. The statewide average is intended to be a 50-50 state-local sharing, although the state share of the cost of budgeted projects for 1972-73 is 57.4 percent.

Enrollment growth

According to the chancellor's office, the proposed bond issue will provide for the construction of facilities to house the equivalent of 80,000 full-time students. The state funds may be used for site acquisition and development, project planning, and to construct general classrooms, laboratories, libraries, fine arts facilities, vocational education classrooms, as well as space for physical education, drama, music, administration, and "service" functions. They may not be used to construct dormitories or student unions, to pay salaries, or to purchase supplies.

The bond issue is supported by the Board of Governors of the California Community Colleges, the California Junior College Association, and the individual districts that will be eligible for state construction aid in the period 1972-73 through 1974-75. Eighty of the state's 94 community colleges are expected to be eligible for state construction aid from these bonds. According to the Chancellor's Office, the combined construction funding needs of these colleges are as follows:

	1972-73	1973-74	1974-75
State aid	\$ 44.0 *	\$ 72.1	\$ 66.0
District matching funds	33.7	67.2	61.5
Other district funds	23.7	20.1	17.4
* In millions	\$101.4	\$159.4	\$144.9

The district funds not required to match state aid are to be spent for projects that are not eligible

for such aid. Of the total, approximately 88 percent is for new construction, and the balance is for the conversion or replacement of old facilities.

Key questions

There has been no organized opposition to this bond issue. There are, however, at least three questions to be considered in deciding whether to vote for or against it: (1) are the additional funds necessary? (2) if so, is additional state aid justified? and (3), if state aid is required, should it be from bond funds or current revenues?

The additional funds are necessary, according to proponents of the measure, to accommodate the projected enrollment growth for the community colleges. If the construction is not provided, the result, they say, will either be intolerable crowding of existing buildings or the turning away of students, many of whom lack the means to go elsewhere. Although the most recent enrollment projections suggest that the growth in the next few years will be less than expected when this bond issue was drawn up a year ago, there is some safeguard against excessive construction in the fact that specific construction projects will have to be justified individually to the Legislature, and if enrollment growth slows it should only mean that the proceeds from these bonds will last longer.

The principal argument for providing state aid for community construction is that such aid, which eventually comes from the state's sales, income, and other taxes (to pay back those who buy the bonds), is a form of property tax relief. In the absence of state aid, the individual districts will either have to raise their taxes immediately or themselves sell bonds to be paid off later. In either case, the total cost of construction will fall on the property tax, which taxpayers and govern-

ment officials seem agreed is high enough now. In addition, it is argued that the state's stronger bond market position enables it to sell bonds at a lower interest cost than the individual districts, thus reducing the total cost of the construction program.

The third question, whether state aid should come from current state revenues or from bond funds, postponing the need for payment at the cost of the interest charged for borrowing, is perhaps the most difficult one. The present administration has favored borrowing for higher education construction rather than an increase in current taxes for a pay-as-you-go system. Administration officials argue that the present generation of taxpayers should not be forced to pay for facilities that will be of benefit mainly to later generations, so it is only fair to postpone the tax levy and to spread it out over a longer period. Whatever the merits of this argument, every administration finds it easier to borrow than to raise taxes, passing as much of the state's cost as possible on to succeeding administrations. Unfortunately, this generally increases the cost of a construction program because of the need to pay interest on the bonds, and it can create a snowballing debt service requirement over which the Governor and the Legislature have little or no control. Moreover, construction programs financed from bond proceeds do not have to compete with other state operation and construction programs financed from current tax revenues, and thus may escape the careful scrutiny they might otherwise receive in the appropriation process.

In this connection it should be noted that the tax bill passed by the Legislature late in 1971 sets aside \$80 million to be spent for higher education construction by December 31, 1974. Some or all of this amount could be allocated to the community colleges should this bond issue fail.

2

BONDS TO PROVIDE HEALTH SCIENCE FACILITIES.

This act provides for a bond issue of one hundred fifty-five million nine hundred thousand dollars (\$155,900,000).

Proposition 2 authorizes the state to borrow \$155.9 million through the sale of general obligation bonds to provide funds to pay for the construction of additional health science facilities on the campuses of the University of California. The proceeds from the bonds, if approved by the voters, will be appropriated by the Legislature in the annual state budget act. The Legislature has already approved spending totaling \$18 million for 1972-73, contingent upon approval of this proposition. The full faith and credit of the state will be pledged as security for these bonds. Repayment of the principal plus interest will be borne by the taxpayers through sales, income, and other state taxes.

The objective of this bond issue is to expand the health science facilities of the University of California to enable it to graduate a larger number of physicians, nurses, dentists, optometrists, pharmacists, veterinarians, and public health personnel. The University expects to receive an additional \$97.7 million in federal grants and \$71.3 million in funds from other sources, which, together with the state funds, will provide a total of \$324.9 million. This will pay for expansion of

the new medical schools at Davis and Irvine and expansion of the older facilities at San Francisco, Los Angeles, and San Diego. In addition, a portion of the funds will go to expand optometry, public health, and other health science facilities at Berkeley and Riverside. Total health science enrollments are to be increased from 7,015 in 1970-71 to 12,171 when the new facilities are fully occupied. About three-fifths of this increase is to be achieved in medical school enrollment, which is to rise from 3,967 to 7,118.

If this measure is successful, it is planned to place a second bond issue on the November 1976 ballot to provide for an additional \$138.1 million. Originally, it was intended to place the entire \$294 million in bonds on this ballot, but the Governor and the Legislature agreed to divide the funds so as to improve the possibility of passage and to reduce the burden on the state's borrowing capacity. A similar bond issue in the amount of \$246.3 million for University health science facilities (Proposition 1, "The Healthy One") was rejected by the voters in 1970 by a vote of 2,368,056 to 1,940,064. Opponents of that bond issue argued that the state

could not afford to increase its indebtedness at that time and that the University's proposal included no plans for more effective use of existing high cost health personnel. However, University officials and others blamed the measure's defeat on a lingering "backlash" against the University following several years of campus disorders.

Supporters of Proposition 2 argue that "California needs more doctors, dentists, nurses, and other absolutely essential health care personnel if people of this state are to be maintained in good health." There is, they say, "an impending health care crisis" because all of California's medical schools produce only 600 physicians annually, "yet three times that number will be required annually just to maintain the existing California ratio of physicians to population." California's medical schools now turn away "90-95 percent of the qualified applications because space and training facilities are lacking," they claim. Proposition 2 will help control increasing health care costs "by increasing the supply of health care personnel and services in the face of rapidly growing demand."

The current physician-population ratio in California is approximately 170 doctors per 100,000 persons. To retain this ratio in 1980, when California's population is now expected to reach 23,249,000, will require approximately 4,700 additional physicians. In recent years,

the number of physicians practicing in California appears to have been growing significantly faster than this, in large part because California has been able to import approximately 70 percent of its doctors from other states and countries. As a consequence, the physician-population ratio has been steadily improving, and California ranks high among the other states by this measure. Although the influx of medical personnel may have slowed somewhat in the past year or two, so, too, has the population growth rate.

Opponents of the bond issue have not dealt with the question of the supply of health care personnel, however, but have focused instead upon the amount of funds requested by the University for this purpose and the "indefiniteness of the construction purposes." This last apparently refers to the term "health science facilities" which evidently is intended to be broad enough to cover facilities to train optometrists, nurses, and physicians helpers as well as doctors. The opposing argument in the official ballot pamphlet was written by Senator Clark L. Bradley, who also wrote the opposing argument for Proposition S3 and 9. In this case, Senator Bradley's statement is scarcely an opposing argument at all, and apparently was not considered strong enough to warrant the customary rebuttal statement by the proponents.

3

ENVIRONMENTAL POLLUTION BOND AUTHORIZATION. Authorizes Legislature to provide for issuance of revenue bonds, not secured by taxing power of state, to construct pollution control facilities. Financial impact: No direct cost.

This constitutional amendment is to allow the Legislature to issue revenue bonds for the purchase, construction, and installation of pollution-control facilities to be leased or sold to private "persons, associations, or corporations." The bonds are to be secured by mortgages or other assets of the lessees rather than by the taxing power of the state.

The purpose of such bonds is to use the borrowing power of the state to provide low-interest loans to private industry for the construction or acquisition of pollution-control equipment and facilities required by state and federal environmental protection agencies. Proponents of the measure, which was carried in the Legislature by Assemblyman John T. Knox, argue that if governmental agencies are to require industry to comply with strict pollution-control standards, government must be prepared to assist industry in financing the acquisition and construction of the necessary facilities. Otherwise, they say, either the standards may be unenforceable or many firms will be placed in serious financial difficulty in attempting to comply.

A companion measure, AB 1925, also carried by Knox, has passed the Assembly and is expected to be approved by the Senate if Proposition 3 is approved. AB 1925 is a 24-page bill establishing a state Pollution Control Finance Authority. The authority will be composed of the Director of Finance, the chairman of the state Water Resources Control Board, and two public members appointed by the Governor. The authority will issue and sell revenue bonds or bond anticipation notes, and negotiate loans to private firms that apply for such funds.

To be eligible, a private firm must have been ordered to comply with a state or federal pollution control standard. Requests for loans are to be considered on a first-come, first-served basis, except that firms that employ recycling systems or pretreatment of liquid waste discharges are to be given priority. The loan funds are to be used, according to AB 1925, to cover such costs as the purchase of land, buildings, rights-of-way, franchises, and easements; construction or demolition or moving of structures as required; machinery and equipment; financing charges, interest, and provisions for working capital; architectural, engineering, financial, and legal services; administrative expenses, and "other expenses necessary."

The proposed legislation to create the State Pollution Control Finance Authority includes this statement of the purpose of the proposed statute:

"Industry needs and requires new methods to finance the capital outlays required for the devices, equipment and facilities utilized in pollution control if they are to rapidly comply with the quality standards established by the state and federal governments, and the alternate method of financing provided in this division is in the public interest and serves a public purpose and will promote the health, welfare, and safety of the citizens of the State of California."

Proponents of AB 1925 and Proposition 3, among whom is the California Chamber of Commerce, say that many businesses have a legitimate complaint that their capital must be used for the normal purchase of plant and equipment and that they can seldom afford to di-

vert such capital to buy costly pollution-control equipment. The cost of providing low-cost loans will not be significant, they argue, because the state will be providing only its superior ability to borrow money, plus the administrative cost of the program. They also contend that the measure will help protect the environment since firms that have asked for delays in the enforcement of anti-pollution controls due to financial problems will no longer be able to do so.

The author of the opposition argument in the official ballot pamphlet, Senator Clark Bradley, charges that the proposed bond authority will "open the door for an unlimited increase in a new indirect type of state debt" over which the voters will have no control. He also contends that although the state's taxing power is not to be used as security for the bonds, any failure of bond-financed projects will probably force the Legislature to save the bond buyers or "lose face." If a "project doesn't work, or the corporation goes broke, or moves out of the state," says Bradley, "there will be no way to get back the money poured into this project." To guard against this, say other opponents of the proposal, only businesses with good credit should receive loans, and these, they maintain, already can afford to borrow from private financial institutions if they need to. Thus, they argue, the state will be providing low-cost loans to the businesses that least need assistance.

The ballot pamphlet argument for Proposition 3 urges the voter's approval of the bond authority to avoid "plant shutdowns and personnel layoffs — a series of consequences which the still sluggish California economy cannot afford." However, a survey by the *New York Times* published June 4, 1972, produced these findings: (1) among the more than 10,000 business enterprises in the United States that fail every year, in

only a few cases have pollution-control requirements been a major factor; (2) pollution regulations have repeatedly been blamed for industrial shutdowns when other basic reasons were responsible; (3) unemployment caused by such shutdowns, according to the latest federal data, has aggregated fewer than 1,500 jobs; and (4) recent studies made by independent consulting organizations for federal agencies indicate that the cost-impact of present pollution-control standards in the next few years will be small on both industry and the economy as a whole. According to the latest annual report of the federal Council on Environmental Quality, industry's outlay to meet air, water, and solid-waste pollution control standards through 1975 will be "less than one percent of gross national product (the nation's total output of goods and services in one year). Industry air and water pollution control expenditures will generally be less than one percent of the value of shipments."

The Legislative Analyst has stated that "although any revenue bonds issued pursuant to this constitutional amendment would be self-supporting . . . such bonds could have an effect on the finances of state government. First, the sale of large amounts of such bonds in addition to other state bonds could increase the interest rate on future issues of state bonds on which the interest is paid from tax revenues. Second, if revenues do not cover debt service on the revenue bonds, the state's ability to sell bonds could be impaired."

Neither the proponents nor the opponents have addressed themselves to the question of why the state should subsidize required pollution-control devices and facilities when it does not do so for industrial-safety devices, zoning restrictions, and similar requirements imposed on business and industry by government.

4

LEGISLATIVE REORGANIZATION. Provides for two-year legislative sessions, automatic adjournment, changes in bill procedures, veto procedures, effective date of statutes and other legislative changes. Financial impact: Cost decrease to state of between \$16,500 and \$60,000 per year.

Six years ago, at the urging of Jesse M. Unruh, who was then Speaker of the Assembly, the California Legislature with the approval of the voters, abandoned the fiction that it could meet in general session only every other year, the sessions of alternate years being limited to consideration of the budget. Since 1966, the Legislature has met in general session every year, a practice made necessary by the growing complexity and range of the issues brought before it. Now, legislative leaders propose that another fiction be abandoned; that is, that major pieces of legislation can and should be given no more than a year from introduction to final passage or defeat. Instead, they say, the state Legislature's sessions, like those of the U.S. Congress, should last for two years, and legislation introduced in the first year should not have to be reintroduced in the second simply because time runs out before the Legislature can give it adequate attention.

Proposition 4, which was carried through the Legislature as Assembly Constitutional Amendment 95 by a bipartisan coalition of legislative leaders (Assembly Speaker Bob Moretti, Assembly Minority Leader Bob Monagan, Senator President pro Tem James Mills, and Senate Minority Leader Fred Marler), changes the

Legislative calendar from one-year to two-year sessions and makes several other changes in legislative procedures. Under the terms of the measure, the Legislature will convene in even-numbered years on the first Monday of December and remain in session, except as either or both houses may go into recess, until November 30th of the following even-numbered year. The present veto session, which is intended to give the Legislature maximum opportunity to override a Governor's veto, but which in practice has served no useful purpose, is to be eliminated. The Governor may still call special sessions of the Legislature to deal with specified matters, but such sessions would appear to be likely only in the event that both houses had agreed to recess for an extended period before the final adjournment.

Bills may be introduced in either the first or second year, and bills introduced in the first year are automatically carried over to the second, except in the case of bills which have not been passed by their house of origin by January 30th of the second year. No bill may be passed by either house on or after September 1st of the even-numbered (second) year, except statutes calling elections, providing tax levies, or appropriations, "urgency measures", and bills passed over a Governor's

veto. Nor may the Legislature present any bill to the Governor after November 15th of the second year. Most newly enacted statutes will go into effect January 1st, but only if 90 days have passed since enactment; otherwise they will not go into effect, in the absence of an urgency clause, until the next January 1st.

Under the present system, every year at the start of a new session it is necessary to elect new officers of each house, appoint the committees, and introduce all proposed new legislation. No bills may be carried over from one year to the next; each must be reintroduced, reprinted, and reconsidered, often by the same committees which acted upon it in the preceeding year. Such a procedure, say the proponents of the new plan, is not only wasteful of legislators' time and energy, but makes it unduly difficult to secure passage of important new measures. What is needed, they say, is the modified version of the congressional plan that they and their colleagues have agreed (with considerable reluctance in the Senate) to put before the people this November.

Another objective of the new plan is to minimize the loss of time to organizational activities. Under the present system, the first month of each annual session usually must be devoted in large part to internal reorganization, particularly in odd-numbered years when the preceding general election results in a change in leadership (as occurred following the last two general elections) and substantial changes in membership. The proposed new plan attempts to solve this problem by beginning each new session on the first Monday in December following a general election, rather than waiting until January of the new year. In this way, the Legislature is to be able to elect its leaders, who then can assign office space and appoint committees, a month early. In the second year, with no break in the session, there will be no need again to go through the motions of reorganization. Instead, under the new plan, January is to be an active month devoted to action on those bills which have yet to be adopted or defeated in their house of origin.

Ballot Propositions — November 7, 1972

1. Bonds to Provide Public Community College Facilities
2. Bonds to Provide Health Science Facilities
3. Environmental Pollution Bond Authority
4. Legislative Reorganization
5. School Districts
6. Miscellaneous Constitutional Revisions
7. Elections and Presidential Primary
8. Tax Exemptions for Anti-Pollution Facilities
9. Bond Vote for Structurally Unsafe School Buildings
10. Blind Veterans Tax Exemption
11. Right of Privacy
12. Disabled Veterans Tax Exemption
13. Workmen's Compensation
14. Taxation
15. State Employee Salaries
16. Highway Patrol Salaries
17. Death Penalty
18. Obscenity
19. Marijuana
20. Coastal Zone Conservation
21. Assignment of Students to Schools
22. Agricultural Labor Relations

Ballot Proposition Booklet

All 22 ballot propositions will be described and briefly analyzed in a 25-page booklet to be published by *California Journal* in mid-September. This booklet will provide objective information essential to an informed judgment of the merits of each measure.

Copies may be obtained by groups and individuals. The cost is: 1-10 copies, 25¢ each plus 10¢ postage and handling per order (payment must accompany your order); 11-50, 20¢ each (if you send payment, we will cover postage and handling; if you prefer to be billed, we'll add the cost of postage and handling); 51 or more, 15¢ each.

Address orders to California Journal Ballot Propositions, 1617 10th Street, Sacramento, California 95814.

When the unlimited annual sessions were begun in 1967, it was believed that the lack of a fixed adjournment date would permit the Legislature to determine for itself how long it should stay in session each year to deal with the business before it. But in practice this has often led to considerable controversy as to when a session should end, and the adoption of an adjournment resolution may consume as much of the leadership's attention as does a major piece of legislation. Getting both parties in both houses to agree on an adjournment date before other issues have been resolved inevitably distracts the legislators from their other responsibilities and often adds unnecessarily to interparty and interhouse friction.

Supporters of Proposition 4 believe that another provision will also help to expedite legislative business. Under the proposed new plan, most legislation is to become effective January 1st rather than 61 days after adjournment (following the "veto session"), as is now the case. The exceptions are to be bills carrying an appropriation, tax legislation, and "urgency measures" (all of which require a two-thirds majority for passage), bills setting election dates, and bills which specify a later effective date. Inasmuch as the constitution requires that there be a 90-day period from enactment to the effective date of a new law (to give time for a referendum petition), there will be a strong incentive to get most bills passed by the end of September, since ordinary bills enacted later in the session will not take effect for more than a year. And in order for the Governor to have time to sign or veto bills sent to him, and to allow the Legislature to consider any such vetoes, an additional 12 to 15 day period will have to be allowed, making mid-September the effective end of bill-passing activity in the first year of the two-year session. In the second year, the proposed amendments set September 1st as the last day to pass bills. After this date, the Legislature can act only on urgency measures or vetoes. Proponents contend that these time limits, plus the limited carry-over of bills, will discourage legislative procrastination.

Proponents of the new plan also argue that legislative committees will be encouraged to use the last three months of each year to conduct the interim studies necessary for the preparation of major pieces of legislation. In recent years, time for interim studies, which used to be an important element in the legislative process, has all but disappeared. It is not altogether clear, however, that the uniform January 1st effective date for most bills will actually make it easier for either or

An Interim Summary

The 1972 Legislative Session

The 1972 session of the Legislature recessed on Friday August 4th, not to reconvene again until November 8th, the day after the election. The November session will be short because the Legislature must recess again by December 9th in order to allow for the constitutionally required 30-day period before the veto session, which must be finished when the new session convenes at noon on January 8th.

As will be seen in the pages which follow, the Legislature, as usual, confronted a plethora of exceedingly complex issues which are the subject of wide disagreement even among reasonable men and women, not to mention the partisan and the ambitious. The degree to which the Legislature and the Governor dealt with these issues wisely and effectively is a matter of judgment. It is not the purpose of this summary to evaluate the 1972 performance of state government, which, in any case, will not be completed until the session finally adjourns early next year.

What this sort of "interim" summary does provide is a brief overview of the major legislative proposals

considered at the 1972 session and the present status of these measures. The judgment regarding what is a "major" proposal and what is not is, to some extent, arbitrary, though the judgment was aided by interviews with legislative staff members and the reports of a wide range of interest groups. Nevertheless, many bills, important to some legislators and their constituents, will not be found in the summary. This is inevitable, however, if the summary is brief enough to be useful for the general reader. More detailed information on particular subject areas may be found in the publications of groups and government agencies interested in such fields.

The January 1973 issue of the *Journal* will contain a summary addendum which will report on the final disposition of all measures referred to in this summary which are acted upon during the post-election session. With many of this year's major legislative issues still more or less alive, the post-recess session will be a very important determinant of the year's accomplishments and failures.

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AGRICULTURE

Farm Labor. Two major issues before the Legislature again this year were agricultural labor relations and the extension of unemployment insurance to farm workers. Agricultural interests decided early in the year to concentrate their effort on qualifying an initiative measure for the November ballot (Proposition 22) instead of pushing AB 9 (Wood), the key agricultural labor relations bill. (For a discussion of the initiative, see *California Journal*, August 1972, pp. 231-232.) AB 9 was the successor to AB 964 (Cory), which was defeated last year in a vigorous battle. Two other agricultural labor relations bills were introduced, AB 1214 (Powers) and AB 1460 (Mobley), but neither received serious consideration.

Three bills were introduced to extend unemployment benefits to agricultural workers — AB 205 (Fenton), AB 628 (Duffy), and AB 1015 (Ralph). Fenton's bill was the dominant bill this year as last, and, like last year, AB 205 was approved by the Legislature but vetoed by Governor Reagan. Endorsed by organized labor, the California State Grange, and Cesar Chavez' United Farm Workers Organizing Committee (UFWOC), the measure was opposed by the agricultural industry, with the exception of the Grange, primarily because the extension of coverage to farm workers would impose a four percent payroll tax on farmers. Industry's argument was that unless this was done on a national basis, unemployment insurance coverage would place California farmers at a disadvantage with farmers in other parts of the country.

The California State Grange for the second year proposed a compromise bill, AB 628 (Duffy), to extend unemployment benefits to all farm workers on the same basis that other workers receive benefits, but raising the minimum annual earnings test for all employees under the system from \$720 to \$1,000 per year, thereby saving the unemployment insurance fund a portion of the expected deficit. This proposal was opposed by organized labor and died in committee.

In his veto message accompanying AB 205, the Governor indicated that he would request the State Board of Agriculture to propose legislation next session that was acceptable to the agricultural industry. This appears to be a departure from Reagan's past position, concurred in by the agricultural establishment, that California agriculture could survive with nothing less than federal legislation extending unemployment insurance benefits to agricultural employees nationally.

Pesticide Safety. Efforts to regulate pesticides this year centered on two farm worker safety bills, AB 246 (Wood) and SB 21 (Petrus). SB 21 resembles Petrus' 1971 bill. It turns responsibility for farm worker safety and pesticide use over to the Department of Public Health and local public health officers. This proposal was countered by AB 246, which gives the Department of Agriculture and public health officials joint responsibility in this field, but continues the primacy of the Department of Agriculture. The bill also assigns a number of more specific responsibilities to the department in the field of farm worker safety. AB 246 was signed by the Governor, while SB 21 died in the Assembly Environmental Quality Committee.

Among other pesticide bills introduced, SB 99 (Petrus) requires the filing of pesticide spray reports, and

AB 1008 (Fong) establishes as a policy of the Department of Agriculture the promotion of an integrated pest-management system that does not depend solely upon agricultural chemicals for control. SB 99 is pending in the Assembly Ways and Means Committee. AB 1008 has been signed by the Governor.

Marketing Regulations. In the area of agricultural marketing regulations, two bills were significant. AB 719 (Murphy), extending the 1967 Gonsalves Milk Pooling Act to Grade B dairies, is on the Senate floor. Grade B "manufacturing" milk is produced under lower health standards than bottled milk and can be used in processed dairy products. The objective of the bill's proponents was to phase production of Grade B milk into a single higher standard grade of milk. AB 719 had tough sledding in every committee and attracted opposition from some dairymen on the ground that it might hasten the decline of the Grade B milk industry.

Miscellaneous. An interesting phenomenon this year occurred when three packages of bills were introduced dealing essentially with social and economic problems of small farmers and farm workers. One package, SB 666, 745, 1124-1125, SCA 38 and 55 (Zenovich), designed to help farmers, was sponsored by the Grange. None of the bills left committee. Two other packages, SB 1290, 1295-1298 (Roberti), and SB 2158-2161 (Burton and Brown), were sponsored by UFWOC, but only SB 1290 got out of committee. This bill, to repeal the Williamson Land Conservation Act, died in the Senate Revenue and Taxation Committee.

Legislation to appropriate \$1.5 million annually for agricultural vocational training, SB 667 (Zenovich), vetoed by the Governor in 1971, died this year in the Senate Finance Committee. Under a bill signed by the Governor, SB 1428 (Way), the name of the Department of Agriculture is changed to the Department of Food and Agriculture.

BUDGET AND TAXATION

As usual, the annual state budget and proposed revenue packages have been among the half-dozen major items before the Legislature. Interestingly, however, there was relatively little legislative-executive conflict over the budget this year, in large part because of the easing of the state's fiscal crisis following adoption of withholding late in 1971. The effort to pass a major tax relief-school finance package, however, was again marked by serious differences among legislators and between the legislative and executive branches, and has so far been unsuccessful.

Budget. The 1972-73 Budget Act, as signed by the Governor on June 22nd, provides for expenditures of \$7.7 billion. \$267.5 million less than the budget passed by the Legislature on June 15th, the new budget passage deadline. The surplus of current income over current expenditure for 1972-73 is now estimated at \$242 million, to which may be added a 1971-72 year-end surplus in excess of \$200 million, to leave a surplus at the end of 1972-73 of over \$450 million. The major items of interest in the new budget are a 5 percent salary increase for state civil service employees and a 7.5 percent increase for UC and CSUC faculty and \$102 million in new state support for the public schools.

Tax Relief. Several major tax "reform" measures were considered by the Legislature, but all were defeated prior to the recess. The Governor's plan, carried in SB 1351, would have provided \$892 million in property tax relief, \$210 million in additional school aid, and \$103 million in increased funds for local government, funded primarily from a one-cent sales tax increase and the anticipated budget surplus (see *California Journal*, May 1972, p. 144). Speaker Bob Morretti's plan, carried in AB 1000, would have provided \$714 million in property tax relief and \$500 million in additional school aid funded largely by increases in the sales and income taxes. When neither plan could move, a compromise was worked out to provide \$530 million for the schools (1973-74), \$410 million in homeowners' property tax reductions, \$125 million in tax cuts for renters, \$45 million for a business inventory tax reduction, and \$103 million in new revenue for local government. This compromise plan was to be financed through a one-cent sales tax increase, a 1.4 percent bank and corporation tax increase, an increase in vehicle in-lieu fees, and \$181 million from the budget surplus. The compromise was assured approval in the Assembly but was defeated in the Senate, where Democrats refused to agree to proposed local expenditure controls, the school finance plan, and other features of the package. Subsequent efforts to win approval of scaled-down and reshuffled variations also failed, despite elaborate parliamentary maneuvering, and the Legislature recessed with the problem unresolved.

Other State Taxes. Three tax measures were added to the November ballot by legislators. SCA 70 (Stiern) authorized the Legislature to "exempt in whole or in part, from ad valorem taxation, any air, water, or noise pollution control facility" purchased, constructed or leased by a private business to comply with state or federal environmental protection standards. This highly controversial measure will appear as Proposition 8 on the ballot. SCA 23 (Bradley) and SCA 59 (Holmdahl), which will appear as Propositions 10 and 12 on the ballot, propose to provide special property tax exemptions for blind and disabled veterans.

The Legislature passed but Governor Reagan vetoed SB 9 (Mills), which would have reduced the new gasoline sales tax by applying it to the retail price of gasoline alone, rather than to that price plus the other existing gas taxes. In explaining his veto, the Governor said that while he is in favor of reducing the tax, SB 9 failed to also reduce the amount the state must pay to local government for transportation programs out of revenue from the sales tax. ACA 16 (Foran), another attempt to free highway fund monies for rapid transit and other transportation uses, again failed on the Senate floor.

Senior citizens won additional tax relief in the total amount of \$6.6 million with passage of AB 1201 (McCarthy), which increases state reimbursements to low-income taxpayers 62 years old or older. AB 1094 (Waxman) extending this tax relief to renters has not been moved out of committee.

BUSINESS AND PROFESSIONS

Licensing. An applicant for a state license in such regulated fields as barbering and cosmetology can no longer be rejected on the vague ground of "bad" moral character. SB 1349 (Deukmejian) defines what constitutes "bad" moral character, limiting it to conviction

for crimes that are substantially related to the specific activity licensed or that produce substantial injury; it also establishes a uniform procedure for handling license denials and revocations.

SB 1466 (Coombs) requires continued education for accountants dealing with the public as a condition of renewing their licenses. Such a requirement hitherto was limited to the medical profession. AB 1986 (Powers), which would drop American citizenship as a requirement for obtaining a license, made its way through the Assembly and to the Senate Finance Committee, where passage is expected after the recess.

Under AB 469 (Z'berg), which was signed into law, professional foresters must now obtain licenses, and major home appliance repairmen will be licensed by the state, too, if AB 1263 (Wilson), which is in Senate Finance, wins passage after the recess, as anticipated. An attempt to license automobile mechanics, AB 292 (Beilenson), failed, though it followed Senator Beilenson's legislation last year creating the Bureau of Automotive Repair, which licenses garages, but not their personnel.

Financial Institutions. SB 1339 (Beilenson), which would have eliminated the so-called balloon payment sometimes tacked onto the end of home mortgage loans and limited late-payment fees, failed to pass. It was held for study and another try at passage next session.

Public Utilities. The Public Utilities Commission was instructed under HR 56 (Powers) to advise utility companies that future advertising must be justified as providing benefits to the rate-paying public. Passage of the resolution left in its wake a number of bills aimed at clamping more specific limitations on utility advertising in order to give the PUC time to demonstrate its ability to carry out the Legislature's intent as embodied in HR 56. Narrowly defeated in committee was SB 191 (Alquist), which would have required regular audits of all regulated utility companies, a practice now rendered impossible by reductions in the PUC's auditing staff, which reportedly is hard-pressed merely to audit the books of firms applying for rate increases.

CONSUMER PROTECTION

"No Fault" Insurance. No fewer than 11 proposals for automobile insurance reform were introduced this session. As in 1971, only one bill, AB 125 (Fenton), survived intense opposition from the California Trial Lawyers' Association; it is pending in the Senate Finance Committee. Fenton's compromise bill, the Fenton-Song Motor Vehicle Reparations Act of 1972, would enact a modified no-fault system, requiring auto insurance policies to pay "personal injury protection benefits" for medical and other expenses up to \$5,000 per person, regardless of whose fault the accident was, but permitting recovery of damages in a civil action if they exceed \$1,000. (see *California Journal*, March 1972, p. 94.)

Credit and Collection Practices. Several measures to protect consumers in their dealings with creditors and collection agencies were quickly disposed of again this year. Among these were AB 1753 (Chacon), prohibiting a creditor from communicating with a debtor's employer; SB 618 (Beilenson), requiring that a person be informed of an adverse credit rating; and AB 2294 (Stull), requiring notice to the debtor and a hearing before his property is repossessed or attached. SB 1148

(Marks), pending in the Assembly Finance and Insurance Committee, requires creditors to notify a person in writing when credit is denied or credit charges are increased as a result of information furnished by a credit-reporting agency or credit bureau.

The Governor vetoed a measure to establish a new system for regulating credit-reporting agencies, saying the proposed legislation would duplicate the existing federal Fair Credit Reporting Act. AB 271 (H. Johnson) would have repealed the 1970 Consumer Credit Reporting Act, which established certain disclosure requirements for credit bureaus and other credit-reporting agencies, and enacted a more comprehensive set of regulations to be followed by these agencies in supplying credit reports on individuals.

For the fourth year, Assemblyman Henry Waxman introduced AB 620 to prohibit suits to recover money owed on a car after it has been repossessed and possibly resold — a right that exists with no other credit purchases. The measure will be acted upon by the Senate Judiciary Committee after November 8th, where its chances are rated as even. A similar but unsuccessful bill, SB 1156, (Song), would have permitted deficiency judgments, as such suits are called, only in the case of new vehicles or used vehicles where the cash price exceeds \$1,500. Another Waxman bill, AB 541, establishing rights and remedies regarding repossession of consumer goods, awaits action by the Senate Judiciary Committee. A general overhaul of attachment and garnishment practices, SB 88 (Song), was referred for interim study as was SB 3 (Song), which groups all credit and collection law into a single Uniform Consumer Credit Code.

Six bills were aimed at limiting service charges and late charges on retail installment accounts and loan installment payments, and revising the way they are computed. SB 501 (Moscone), SB 1426 (Holmdahl), AB 138 (Crown), AB 933 Waxman), AB 1516 (Piereson), and AB 2193 (Ralph) all were unsuccessful, although two were referred for interim study. Attempts by Senators Beilenson and Song and Assemblyman McCarthy to remove credit restrictions on married women, rooted in California's community property law, also failed.

Product Labelling, Pricing, and Standards. Each session, consumer groups press for adoption of uniform labelling and packaging requirements for food products. Of 15 to 20 proposals introduced this year, three have been signed by the Governor. AB 1670 (Meade) requires the ingredients of food products to be labelled in descending order of weight. Excluded from this requirement, however, are milk and dairy products and alcoholic beverages. AB 1074 (Briggs) imposes ingredient labelling for wrapped bread unless it is sold at bakeries. SB 234 (Beilenson) requires milk and dairy products to be stamped with a date when products should be pulled from the shelf for lacking freshness.

Advertising. Four bills dealing with improper advertising practices were signed by the Governor. AB 136 (H. Johnson) requires persons conducting mail order businesses in the state to disclose their legal business name and complete street address in all advertising. AB 1264 (Wilson) expands false advertising laws to impose civil penalties for false real estate advertising. AB 1267 (Wilson) sets a limit of three years

from the time of discovery for an action by the Attorney General or a district attorney for violation of certain false and other advertising laws. SB 912 (Lagomarsino) permits county counsels, city prosecutors, and city attorneys to bring injunctive actions and to seek civil penalties for false or deceptive advertising. A fifth measure, AB 1538 (Meade), requires businesses that make advertising claims based on evidence that purports to be factual or compares a product's effectiveness with that of other brands to prove the claim to the Department of Consumer Affairs, the Attorney General, or a district attorney, upon their request. The bill awaits action by the Senate Finance Committee.

Regulation, Enforcement and Education. Two measures to improve the handling of consumer complaints at state and local levels were passed by the Assembly this session. AB 617 (Brown), signed by the Governor, requires regulatory boards and bureaus in the Department of Consumer Affairs, such as those regulating employment and collection agencies and automotive repair services, to act on complaints against the businesses it licenses. AB 558 (Moretti) enacts the Consumer Local Assistance Act of 1972, which makes \$795,00 available in grants to counties and cities for creating or expanding consumer fraud divisions. The bill is pending in the Senate Governmental Organization Committee.

Miscellaneous. Perennial measures to regulate the offering and redemption of trading stamps again were easily defeated. SB 565 (Beilenson) sought to require stores giving trading stamps to offer a cash discount instead, at the customer's request. AB 554 (Sieroty) would have allowed persons to redeem books of stamps for cash instead of merchandise. Pending in the Assembly Ways and Means Committee is SB 1154 (Song), imposing additional financial requirements on trading stamp companies licensed to operate in California.

Legislation to impose disclosure requirements on the drug industry was successfully opposed by manufacturers, pharmaceutical associations, and the state Board of Pharmacy. AB 217 (H. Johnson), which allows prices of the 100 most frequently sold prescription drugs to be posted in pharmacies, was refused passage twice in the Assembly. A companion bill, AB 216 (H. Johnson), would have directed physicians to use a drug's generic name in a prescription order and required pharmacists to advise a customer of any cost differences between a prescribed drug and its therapeutic equivalent.

Two bills relating to automotive repair services, were signed by the Governor. SB 371 (Moscone) requires every manufacturer of a motor vehicle who alerts a buyer to a safety defect to correct the defect without cost to the owner. SB 1336 (Beilenson) directs auto repair dealers to list parts and services separately on repair invoices and to indicate the subtotal price and sales tax applicable to each item.

EDUCATION

School finance — compliance with the *Serrano* decision of 1971 — has been the principal education issue before than Legislature this session, but there has also been considerable debate over such matters as early childhood education, textbooks, school building aid, and testing. Relatively little legislation of major conse-

quence regarding higher education has come out of the 1972 session to date. In part, this is because the two studies of the 1960 Master Plan, one by the Joint Committee on the Master Plan and the other by a special committee set up by the Coordinating Council for Higher Education (see *California Journal*, February 1972, p. 46), are not to be completed until this fall. However, the Legislature has considered some 240 bills in this area, of which the most significant have had to do with bond funds, equal opportunity programs, faculty salaries, and scholarships.

School Finance. The 1972-73 Budget Act as signed by the Governor contains only \$102 million in increased school aid for "equalization" districts, despite the mandate of the *Serrano* decision for a massive shift in funding from a local to a statewide basis, giving every district the same basic ability to finance its programs. Subsequent efforts to provide a substantially greater increase as part of a single major tax package — up to \$530 million in the last compromise plan, AB 1000 (Moretti) and SB 90 (Dills) — failed when the whole package failed (see Budget and Taxation) in the last days before the recess. Among the reasons for its defeat was the belief among some Senators that it did not provide enough of a funding shift for the schools. At least a half-dozen Senate and Assembly bills providing major changes in public school finance were also defeated.

SB 120 (Harmer), which would have authorized a voucher plan experiment involving public and private schools in a single district, was defeated 7-4 in the Senate Finance Committee. This makes the third year in a row such a proposal has been defeated, and it is unlikely that there will be another attempt until the single federally sponsored experiment in Alum Rock Elementary District is evaluated.

Earlier in the session, the Legislature acted rapidly to enable the Los Angeles schools to benefit from a \$130 million windfall. The windfall became possible when the district decided to join the state teachers' retirement system, freeing for current spending accumulated funds in the district's own retirement system costs, 15 percent to a special annuity fund, and 65 percent to current operating expense for this year and next.

AB 1628 (Murphy) continues the \$20 per pupil school district unification bonus for 1972-73 for districts that received it in 1971-72, even if they voted against unification in June. Several measures have been passed dealing with financial problems arising from the lowering of the age of majority from 21 to 18 in 1971, including SB 10 (Marler), which postpones the effect of the change, insofar as school finance is concerned, until March 1, 1973.

In July, the Governor signed AB 92 (L. Greene) to provide \$30 million to hard-pressed school districts that must strengthen or replace school buildings that do not meet Federal earthquake safety standards. Districts that cannot, with a 20-cent local tax, raise sufficient matching funds to obtain a state loan will have first call on the money. Voters will decide in November whether local bond issues for earthquake safety can be passed with a simple majority rather than the two-thirds vote now required (Proposition 9). A bill to substantially change the entire State School Building Aid Program, SB 607 (Burgener), was defeated in the Senate Finance Committee.

Early Education. State Superintendent of Instruction Wilson Riles won a major victory with passage of SB 1302 (Dymally), which carried much of the early childhood education program for which he announced his strong support earlier in the year. The program, which is to be "phased in" over five years, is designed to start public school instruction with four-year-olds and provide new educational and social services to all children four through eight. Each district is required to prepare an early childhood education master plan to be approved by the state and to include provision for parent education and participation.

Child Care. For more than a decade, the development of child care centers has been seriously hindered by a conflict between the Department of Social Welfare and the Department of Education over the administration of the program. The Department of Education has administered the centers under contract to the Department of Social Welfare, which receives federal funds for their support, but a difference of views on the way such centers should be established blocked contracts for new programs, despite the availability of federal funding. To resolve this conflict, the Legislature has passed AB 99 (Lewis), a compromise measure giving the State Department of Education clear jurisdiction over all existing and new programs, which will continue to be funded through Social Welfare), clearing the way for rapid expansion of these programs. The measure also provides \$3.6 million in state funds to match local and federal funds, providing a total of about \$18 million in new child care center support for 1972-73.

Textbooks. AB 531 (Ryan), which the Governor signed on August 15th, makes substantial changes in the state textbook program. For example, the state will no longer adopt textbooks as such but "instructional materials" and "instructional materials systems", terms which are intended to cover more than the conventional textbook of the past. Another major change is in the financing of the program. Henceforth there will be a continuing appropriation of \$7 per pupil to an Instructional Materials Fund. A part of this fund is to be used by the state board for costs of warehousing and shipping adopted materials and purchasing such materials for future years. The balance is to be allocated among the individual districts to set up credit accounts against which they may order state adopted materials as they chose to do so, so long as they provide for the needs of their pupils. Each district's credit balance is to be carried over from year to year.

Testing. The Legislature has passed and Governor Reagan has signed a bill, AB 665 (L. Greene), which ends required group scholastic aptitude (I.Q.) testing but permits districts to continue group testing for scholastic aptitude at their own discretion. The bill also makes several changes in the state's achievement testing program, including requiring the reporting of test results for each school as well as for each district. Also passed was SB 987 (Roberti), prohibiting I.Q. tests for pupils who have been in the United States for less than two years. Reagan vetoed AB 483 (Brown), which would have banned all group I.Q. testing except for experimental purposes.

Miscellaneous, Public Schools. Perhaps the most significant education bill passed by the Legislature so far this session is ACA 26 (Vasconcellos), which, if approved by the voters, will give the Legislature authority to permit the governing boards of all school districts to initiate and carry on any program or activity, or otherwise act in any manner which is not in conflict with the laws and basic purposes for which such districts are established. At present, school districts may only do those things they are specifically authorized by the Legislature to do, but if ACA 26 (Proposition 5 on the November ballot) is approved and implementing legislation adopted, they will be able to do anything appropriate to their purposes which is not prohibited by law.

SB 94 (Alquist) provides for the delineation of adult education responsibility among the high schools and community colleges and authorizes the establishment of Area Adult Continuing Education Coordinating Councils. ACR 98 (Dunlap) directs the State Board of Education to halt any further steps in the implementation of program planning and budgeting systems for the public schools until March 1, 1973, to give the Legislature an opportunity to study the matter.

The Joint Committee on Educational Goals and Evaluation and the Joint Committee on Textbooks and Curriculum have been combined with the Joint Committee on the Master Plan for Higher Education to form a single new Joint Committee on Educational Problems to carry on the studies of the three committees. Presumably, Assemblyman Vasconcellos, who carried the resolution to do this (ACR 88), will be chairman of all three.

Assemblywoman March Fong was finally successful in getting the Governor to sign her bill, AB 71, permitting school districts to enroll children in classes concerning venereal disease, unless their parents ask in writing that they be excused. Reagan vetoed a similar bill last year.

Higher Education Bonds. Two large bond issues will go to the voters for approval this November as a result of bills passed this session. SB 168 (Stiern) provided for a \$160 million bond issue for community college construction under the 1967 Community College Construction Act, according to which the state provides approximately half the funds necessary to undertake construction projects approved by the Legislature in the annual budget act. The bond funds are expected to make it possible for the community colleges to increase their capacity by 80,000 full-time students over the next five years. The second bond issue, carried in SB 220 (Teale), is to provide \$155.9 million for the construction and expansion of University of California medical schools and related facilities in the health sciences. This is a scaled-down version of the \$294 bond issue rejected by the voters in 1970.

Financial Aid. Four major bills to increase state support for equal opportunity programs for students from minority and low-income families were considered this session. They were: AB 118 (Deddeh) to add \$1

million for community college EOP; SB 1399 (Alquist) appropriating \$4.3 million for community college EOP; SB 241 (Marks) appropriating \$3.3 million for California State University and Colleges EOP; and AB 1703 (Brown) establishing a formula for a continuing annual appropriation for EOP in all three segments. Only SB 241 was passed by both houses, and it was vetoed by Governor Reagan.

AB 1592 (Lanterman) increases the number of new state scholarships to be awarded each year from 3 percent to 3.5 percent of the high school graduates of the preceding year and raises the maximum award from \$2,000 to \$2,200. AB 1794 (B. Greene) establishes as a pilot program a state competitive occupational education and training program to be administered by the Scholarship and Loan Commission. AB 1832 (Cory) directs all institutions of public higher education to require all applicants for financial aid to report both taxable and nontaxable income and to consider nontaxable income in making EOP awards. A bill to extend opportunity grants to students attending vocational schools, AB 1066 (Miller), and appropriating \$2 million for that purpose, was defeated.

Residency. As usual, there were a number of bills introduced dealing with the definition of a "resident" student for the UC, CSUC, and the community colleges. AB 666 (Green) established, as least for the present, uniform rules for determining the resident status of students in all institutions of public higher education in California. AB 337 (Meade) provides that for UC and CSUC students the residence of a husband does not "in and of itself" determine the residence of the wife. SB 10 (Marler) and AB 801 (Barnes) provide that the 1971 state law reducing the age of majority from 21 to 18 does not apply to students at public institutions of higher education insofar as residency and fees are concerned.

Miscellaneous Higher Education. Several efforts were made to raise UC and CSUC salaries above the 7.5 percent increase approved by the Governor in the 1972-73 Budget Act, but all either failed to be passed or were vetoed.

Compromising with the Governor over the issue of who shall govern the California Maritime Academy, Assemblyman Dunlap won approval of his AB 209, establishing a new, independent seven-member governing board made up of two educators, two representatives of the maritime industry and three public members (plus a non-voting member from the Federal Maritime Administration). The bill also carries a number of provisions regarding the administration of the academy and requires the CSUC Trustees to provide the new board certain specified services.

SB 499 (Alquist), permitting all CSUC employees to inspect their own personnel files, was vetoed by the Governor at the request of the Trustees and the Chancellor. He also vetoed SB 1446 (Moscone), which would have required binding arbitration of grievance and disciplinary cases by a faculty committee according to procedures to be drawn up by the Trustees. The measure, Reagan said, "usurps the Trustees' responsibility." The Governor, however, did sign SB 137 (Carrell) to require the Trustees to authorize that no less than 24 semester units of extension credit be applicable toward a CSUC baccalaureate degree.

Another successful measure was SB 478 (Carpenter) expressing the Legislature's intent to provide funds for the establishment of a school of veterinary medicine at a UC campus in southern California. Bills by Senator Alquist (SB 95) and Assemblyman Ryan (AB 834) to substantially increase state support for the community colleges have been defeated.

ELECTIONS & REAPPORTIONMENT

Campaign Finance and Disclosure. More than 20 bills were introduced this session to reform various aspects of election campaigns: to place limits on expenditures, to provide for fair campaign practices, to promote greater disclosure of campaign contributions and expenditures, and to provide for public financing of campaigns (see *California Journal*, April 1972, page 117 ff). Not a single major bill has passed.

In the area of spending limitations, it is possible that SB 128 (Alquist), which was defeated once in the Senate Finance Committee, could be revived after the elections. SB 128 limits the amount a candidate can spend based on the office sought and the number of registered voters in the district.

The bill on the subject of disclosure with the best chance of passage is Alquist's SB 129, which requires that candidates itemize contributions received of \$100 or more instead of \$500 or more as the law presently reads and requires that campaign organizations spending \$500 or more instead of the present \$1,000 or more must file a public report. This bill has made it to the Assembly Elections and Reapportionment Committee and is scheduled for a hearing in November.

In the area of alternate means of financing campaigns the bill with the best possibility of passage is AB 1564 (Waxman), which provides for state income tax credits for political campaign contributions. Even if the bill should get out of the Senate Revenue and Taxation Committee where it now is, the chances for approval by the Governor are said to be slim.

Election Procedures. Two bills passed by the Legislature, AB 699 (Vasconcellos) to allow voter registration at high schools during nonclassroom hours and AB 4 (Garcia) to provide for bilingual election officials, were vetoed by the Governor. The Governor said AB 4 is "unnecessary and unworkable and would result in abuses in polling practices." He vetoed AB 699 because the law presently permits registering and this bill might impede the principal's discretion to control the time and place of such registration.

The Governor also signed two bills on election procedures. AB 1719 (Garcia) provides for telephone numbers to be included in the affidavit of registration on a voluntary basis. AB 887 (Biddle) strengthens the reporting requirements for campaign expenditures and contributions for ballot measure elections.

Reapportionment. The Legislature is under a state Supreme Court order to reapportion itself this year or have the court do it. The Senate passed SB 43 (Dymally) reapportioning itself, but the Assembly refuses to act on the bill until it can pass an Assembly plan. This is the major item of business after the recess. In fact, if it were not for reapportionment, the Legislature would almost certainly have adjourned by now and there would be no recess.

Dissatisfaction with the reapportionment process

spawned myriad and varied proposals for new mechanisms, none of which got any further than ACA 88 (Waxman), which would have created a reapportionment commission composed of two appointees each by the majority and minority of the House of Representatives, the state Senate and the state Assembly. The bill died in the Assembly Ways and Means Committee.

EMPLOYMENT AND LABOR

Work Conditions. Concern for sexual equality in employment spawned a number of measures extending women's work-protection provisions to men. It was feared, evidently, that adoption of the Equal Rights Amendment to the U.S. Constitution, whose ratification in California was stymied by the Senate Rules Committee, would erase laws limited to one sex. AB 1710 (Brown), which extends all women's work-protection provisions to men, except one regarding bearing heavy objects, awaits action in the Senate Finance Committee, where approval is expected. AB 256 (Warren), which extends the \$1.65 minimum hourly wage for women to men was signed into law. AB 1712 (Brown), which raises that rate to \$2 hourly, cleared the Assembly and is pending in the Senate Committee on Governmental Organization.

Industrial Safety. The 1971 Sylmar Tunnel tragedy prompted naming of an Assembly Select Committee on Industrial Safety, which produced two major bills in the field of industrial safety. Both passed their house of origin and await what is expected to be favorable action in the Senate. AB 1400 (Fenton), "The Industrial Safety Act of 1972," makes California law conform to recently adopted federal safety standards, broadens the membership of the present Industrial Safety Commission, creates a team headed by an attorney to investigate fatal industrial accidents, authorizes imposition of fines to enforce safe work conditions, and provides for a thorough analysis of the present Division of Industrial Safety. More specifically linked to the Sylmar disaster is the select committee's second measure, AB 1157 (Keysor), "The Tunnel Safety Act of 1972." It spells out rescue and emergency training and procedures, requires specified rescue and emergency equipment to be on hand at tunnel construction sites, and provides for licensing workers who handle explosives.

Public Employees. Dissatisfaction with state law governing employee relations with city, county, and state government was manifest in the half-dozen bills submitted to change it. The landmark legislation in this field is the George Brown Act of 1961. It requires all public agencies to "meet and confer" with employees and their representatives on points of conflict. Subsequently, however, employees for school districts, public transit districts and, finally, cities and counties were removed from the Brown Act and dealt with in separate acts. School employees now are covered by provisions of the Education Code, and transit workers come under the Public Utilities Code, while city and county workers are covered by a separate act. As a result, only state employees remain under the 1961 Brown Act, and the intent of most of the bills submitted in this area is to bring the other classes of public employees back under one act and establish new uniform bargaining procedures. Though agreement couldn't be reached on any of the bills, a study of the entire field of public employee relations was authorized under HR 51 (Morretti).

A number of bills affecting state employee work conditions and benefits were signed into law: AB 41 (Monagan) raises the state's contribution for health insurance from \$12 to \$16, with a future increase to \$20; AB 42 establishes a single \$150 annual allowance to replace required service uniforms; AB 589 (Priolo) allows payroll deductions for state employee associations, a move aimed at extending the practice to the University of California; and SB 315 (Harmer) grants an employee the right to be joined by a representative of his labor organization at a grievance hearing, a move aimed this time at the state colleges. SB 104 (Richardson) grants salary increases to correctional officers, while AB 1448 (Mobley) provides a National Guard salary increase that was omitted from this year's budget.

AB 592 (Monagan), which would have provided overtime pay for Youth Authority personnel, was vetoed by the Governor August 28th, as was AB 1393 (Murphy), which reduced the forest fire fighters' work week from 84 to 80 hours.

Passage of ACR 72 (Russell), approved August 4th, provided guidance to the state Board of Control in granting incentive awards to state workers whose suggestions produce savings to the state, a program established in 1969. Under this program, according to one legislative estimate, \$78,603 has already been paid out. Under ACR 72, the board can set its own figure for awards up to \$150; beyond that, the employee is entitled to an award representing five percent of any one-time savings or 10 percent of the first-year savings if they recur. ACR 72 was prompted by several cases in which state employees made suggestions resulting in savings of a million dollars and more.

ENVIRONMENT

Coastline. A variety of measures dealing with the protection of California's coast were once again introduced and defeated this session. Companion bills that conservationists rallied around were SB 100 (Grunsky) and AB 200 (Sieroty). The bills would have established a 12-member Coastal Zone Conservation Commission and six regional commissions charged with developing a comprehensive plan for the coast within five years and having, in the meantime, veto power over major environmental changes within the coastal zone. The measure would have appropriated \$5 million. Although AB 200 passed the Assembly, it met the same fate as SB 100, which had earlier been killed by the Senate Natural Resources and Wildlife Committee.

The California Coastal Alliance, a group of conservation organizations supporting coastline legislation, then turned its attention to qualifying and securing passage of the same measure as an initiative (Proposition 20) on the November ballot.

Wild Rivers. In a surprise move, Senator Randolph Collier, the leader of the opposition to last year's wild rivers legislation, introduced his own measure (SB 4) this session. While similar to last year's bill, it excluded the Eel River, which winds through Collier's district, from protection. Senator Peter Behr, author of last year's wild rivers legislation, reintroduced his measure, SB 1070, which, in addition to protecting the Eel, Klamath, and Trinity Rivers from dams, was expanded to include the Smith River and part of the American. Conservationists support SB 107, and have charged that Collier's bill would leave the rivers "worse off."

Both measures were approved early in the session by the Senate Natural Resources and Wildlife Committee and sent to the Finance Committee. Collier, who chairs this committee, refused to set the two competing bills for a hearing until the week before the recess. Both bills passed the Finance Committee and were approved by the full Senate. Racing against the impending legislative recess, the bills moved quickly through two Assembly committees before time ran out with the bills left awaiting final action on the Assembly floor.

Environmental Suits and Rights. This session saw the introduction of several pieces of legislation concerned with "standing to sue" or "environmental defense actions", bringing suit on behalf of the environment.

This year's measures include AB 806 (Z'berg), which is similar to a bill defeated in the Senate Judiciary Committee last session. The legislation authorizes any person, partnership, corporation, association, organization or other legal entity to maintain actions for the protection of air, water, and other natural resources from pollution, impairment, or destruction. AB 366 (Hayes) enacts the California Conservation Act and allows any person to maintain an action for equitable relief for conservation and protection of the environment from destruction or pollution. Both bills passed the Assembly. AB 366 awaits a final Senate vote in November, when AB 806 is expected to be taken up in committee.

The somewhat surprising action of the Judiciary committee in passing out AB 366 spurred new optimism on the part of many conservationists, who believe that at least one of the "standing-to-sue" measures has a fair chance of surviving a tough floor fight and making it to the Governor.

Environmental Superagency. After two months of touch-and-go negotiations between the Reagan Administration and Assemblyman Edwin Z'berg, an apparently bipartisan bill was agreed upon to create an independent State Environmental Protection Board to coordinate the state's pollution control program. The new measure, AB 2376, was coauthored by Z'berg and Republican Senator Howard Way. It abolishes the existing State Air Resources Board, the State Water Resources Control Board, and the proposed Solid Wastes Management Board, and transfers their powers to the new state board.

Although AB 2376 represents a compromise, it appears to have only mild support from conservationists and substantial opposition from water interests and the California Chamber of Commerce. Z'berg failed to muster sufficient votes on his first attempt at passage by the Assembly, but the measure will be pending when the Legislature returns in November.

Forestry. The Legislature was faced this session with a court decision striking down the current state Forest Practices Act as unconstitutional. The court argued that the forest industry was regulating itself under present law. With the state operating without any real control over the logging industry and with the cutting season fast approaching, the Legislature managed to put together an emergency piece of legislation, SB 183 (Marler), to control the forest industry until winter. The Legislature has not been as successful,

however, in finding a more permanent solution to the problem.

Of the three legislative proposals put forward, none is close to enactment. Assemblyman Z'berg's far-reaching and conservationist-backed AB 2346 died in the Assembly Ways and Means Committee on July 18th. The two Senate bills, SB 361 (Alquist) and SB 1326 (Collier), both passed their house of origin and were assigned to Z'berg's Natural Resource and Conservation Committee, where they will be set for hearing in November.

Air Pollution. Revealing his proposed three-front attack against one of Southern California's most pressing problems, Senator Anthony Beilenson carried three important bills on air pollution. The measures, SB 657, SB 659, and SB 661, result from a study completed by the Environmental Quality Laboratory at the California Institute of Technology, concerning efforts to reduce air pollution in the South Coast Air Basin. Beilenson managed to move SB 657 and SB 659 to the Assembly before the recess. SB 657, which calls upon owners of fleet vehicles operating in the South Coast Air Basin to convert their cars from a liquid to a gas fuel system, has been assigned to the Assembly Transportation Committee, where it will be heard in November. The same committee temporarily disposed of the second bill when it refused passage to SB 659, which allows disconnecting the vacuum spark advance to reduce vehicle exhaust emissions of oxides of nitrogen, a major ingredient of smog. (The State Air Resources Control Board issued two orders last month, however dealing with controlling such emissions.) The third bill, SB 661, which called for a vehicle inspection program, failed to clear the Senate before the break.

Solid Waste. The first major environmental bill passed by the 1972 Legislature, SB 5 (Nejedly), resulted in the creation of a State Solid Waste Management Board within the Resources Agency. The bill establishes the five-man board and requires adoption of a Solid Waste Resource Recovery Program by January 1, 1974. The Governor vetoed a similar measure by Senator Nejedly last session, contending that the bill was not necessary because its provisions were included in his proposed environmental reorganization plan. However, the Legislature defeated the Governor's bill.

Power Plant Siting. Five major pieces of legislation were introduced to solve the controversial problems of where to build thermal electric powerplants. In the Assembly, AB 1323 (Badham) and AB 1559 (Z'berg) proposed creation of a power plant siting council or board to review and regulate thermal power plants, while AB 223 (Briggs) gave that responsibility to the Secretary of the Resources Agency. Two Senate measures, SB 1195 (Nejedly) and SB 1310 (Alquist), call for establishment of a power plant siting council to certify each application for a proposed thermal power plant.

All three lower house measures have been held for interim study by the Assembly Planning and Land Use Committee until a study of California's electrical power needs by the Rand Corporation is completed. The Rand study, requested last year, is expected sometime in early August. The Senate passed both of its measures on July 19th and sent them over to the Assembly, where they were referred to the Planning and Land Use Committee. SB 1195 has gained strong backing from the Governor, who has indicated that it is the

only power plant siting bill he will sign this year. Conservationists prefer an interim study and waiting until 1973 to deal with this issue.

Open Space. Earlier this year, Assemblyman John Dunlap sponsored a series of measures to establish a State Open Space and Resources Conservation Program. AB 2135 called for development of the plan by the Office of Planning and Research; AB 2136 designated several areas as high-priority open-space lands and required their acquisition; and AB 2137 provided a continuous funding program through a one percent transfer tax on real property. All three measures died in the Assembly.

The first blow came with defeat of AB 2137 before the Assembly Revenue and Taxation Committee. Without the funding program, the rest of the open-space package carried little importance. Consequently, when AB 2135 and AB 2136 reached the Assembly floor, Dunlap had the two bills placed on the inactive file, where they remained when the Legislature recessed.

HEALTH

Medi-Cal. Revisions in the 1971 Medi-Cal Reform Act were the subject of numerous bills this session. The California Medical Association, which is concerned with modifying the Medi-Cal Act, helped move a large package of Medi-Cal bills through the Senate and worked with Assemblyman Willie Brown and John Foran on two major bills. In the Senate, Senator Peter Behr carried SB 1164-1170, which modify the controls in the Medi-Cal Reform Act. So far, only SB 1169 has been signed into law; it includes anesthesiologists services under Medi-Cal for outpatients. Of the Assembly bills, only AB 1411 (Foran) which reduces the need for prior authorization for treatment under Medi-Cal, has reached the Governor, and he vetoed it. AB 758 (Brown), which removes the limit of two doctor visits a month, substituting 24 visits in a year, without prior authorization, awaits action on the Senate floor.

Health Insurance. In the field of comprehensive health plans, two major bills were introduced this session. SB 770 (Moscone), now property of the Senate Health and Welfare Committee, provides a mandatory comprehensive health insurance plan for all Californians. AB 2 (Campbell), which would have provided a system of catastrophic health insurance for Californians, failed to move out of the health committee which Campbell chairs.

Drug Abuse. Two major and similar bills in the field of drug abuse are still moving through the Legislature: AB 400 (Campbell) and SB 714 (Deukmejian). Both provide for a comprehensive drug-abuse treatment program for California, and both cleared their houses of origin and await action on the floor of the other house. One of these bills is expected to be approved.

Mental Health. The major battle on mental health legislation this session centered on allocation of funds for local mental health programs. Concern over the possible inadequate allocation of dollars in the Governor's budget to support local mental health programs caused the Legislature to augment the local mental health program budget by \$11 million. A related and highly emotional issue reappeared when the Department of Mental Hygiene's statement that it will continue to close state mental hospitals as local services

replace those provided in state hospital facilities. (See *California Journal*, June-July 1972, pp. 182-6.) AB 35 (McAlister), which forestalls closing the state mental hospitals, is in Assembly Ways and Means. AB 1459 (Vasconcellos), requiring that all state hospitals maintain operations at specified levels until appropriate plans have been developed to transfer personnel and patients, is in the Senate Finance Committee.

AB 1854 (Lanterman), extending coverage for mental and emotional disorders to all individual and family health insurance policies issued in California, was defeated in the Assembly Health Committee. It would have guaranteed coverage for these disabilities to the 30 percent of insured Californians who hold such policies.

HOUSING

Housing Programs. Assembly woman Yvonne Brathwaite has a pair of bills awaiting hearings in the Senate that will, if passed, substantially change the subsidized housing field. AB 1741, which is in the Senate Finance Committee, allows the state to contract with the federal government to lease housing at scattered locations (so-called Section 23 housing). This can then be rented to the families of persons emerging from state institutions, helping to reintegrate an institutionalized person, whether a prison parolee or a mental patient undergoing outpatient rehabilitation, into society. Occupants of such housing pay up to 25 percent of their salaries in rent. AB 1744, which is pending in the Senate Revenue and Taxation Committee, bases property-tax assessments for federal 236 housing, which is built under federally subsidized mortgages, on the actual income from the controlled rents rather than on what might possibly be earned; this reduces the property tax burden, which otherwise weighs upon maintenance funds. This situation has already bankrupted some projects and encouraged the rapid deterioration of others.

California so far has played a relatively passive role in public housing. SB 1454 (Moscone), which was vetoed by Governor Reagan on August 28th, was to change that. The bill would have replaced the present Commission and Department of Housing and Community Development with the California Housing and Community Development Agency. The new agency would have been authorized, among other things, to sell revenue bonds to make housing available at low and moderate rentals and to provide home loan funds for persons of moderate income ((\$8,000 to about \$12,000), who now are largely priced out of the open market but cannot qualify for existing federal 236 housing aid. In vetoing SB 1454, Reagan expressed concern that the state's issuance of revenue bonds and notes as authorized in the bill would "adversely affect" the state's credit rating.

AB 1041 (Brathwaite), the 15-word text of which bears the distinction of being shorter than the Legislative Counsel's digest, states in its entirety that "the area within a project and a project area may be either contiguous or noncontiguous." Before AB 1041, all land in a given project had to be connected; under the new law, additional nonadjacent land can be added to existing projects. Potentially more far-reaching is the possibility of linking two geographically separated projects. The advantage here would derive from using tax "throw-off" revenue from one project to help pay for a less favored one. (Tax "throw-off" revenue results

when the tax base in a project area is frozen, and the value of the land rises as a result of the new construction, yielding a credit that is applied to reduce the project's cost.)

Finally, AB 1742 (Brathwaite) allows a city to guarantee its own redevelopment loans without going to the state, a shortcut that is expected to yield a savings in interest costs. The bill awaits a hearing in the Senate Committee on Governmental Organization.

Modular Housing. AB 198 (Brathwaite) was signed into law, reducing the sales tax liability on factory-built housing units from the present 100 percent to 40 percent, thus treating them, in effect, as real property. ACR 62 (Brathwaite) instructed the Department of Public Works to increase to 12½ feet the maximum width of such housing that can be moved over public roads. The previous limit was 12 feet.

AB 1698 (Quimby), also signed into law, gives local governments authority to regulate the density of mobile home parks. Pending in the Senate is AB 1598 (Maddy), which lets real estate brokers sell second-hand mobile homes, a field now reserved to auto dealers.

Landlord-Tenant Relations. SB 348 (Petrus), which made several substantive changes in law regulating public housing authorities in the field of landlord-tenant relations, was vetoed by Governor Reagan on August 17th. Reagan noted the opposition of local housing authorities and real estate interests, but expressed concern, too, for tenant rights.

LAW AND JUSTICE

Court and Jury Reform. Though a number of bills were introduced to reform or reorganize parts of the state's judicial system — most notably grand juries and the state's trial courts — only one measure made it to the Governor, and that was vetoed. AB 70 (Z'berg) established the principle of random selection of grand jurors. To do so, it created a dual system of grand juries, with one jury to investigate public offenses, exclusively. The jurors serving on this jury were to be selected at random. In short, AB 70 sought to eliminate selection of grand jurors by judges who pick jurors from among their own circle of friends and acquaintances. This "blue-ribbon" approach has been criticized for keeping minority groups and lower-income people from serving on the community investigative panels. Governor Reagan, who said he accepts the principle of random selection, nonetheless criticized AB 70 as piecemeal reform.

More to his liking, Reagan said, is SB 813 (Grunsky), which also incorporated the dual jury system, with the grand jury for investigating public offenses selected at random. SB 813 imposed this system on cities of more than 700,000 population, but left it optional for cities of 100,000 to 700,000 population. (Smaller cities would retain the present single judge-selected jury.) But SB 813, which was prepared by the Attorney General's office, also extensively rewrote state law pertaining to grand juries, making many minor, technical changes. Though the bill cleared the Senate, it died in the Assembly Committee on Criminal Justice. Its members decided that Assemblyman Z'berg's random-selection principle was a good one if grand juries must exist but questioned whether they should, and voted down Grunsky's bill as encouraging a bad system.

Death Penalty. The California Supreme Court's rul-

ing that the death penalty is unconstitutional rendered moot the annual attempt to abolish the death penalty, AB 10 (Sieroty), but it also inspired a number of bills ranging from reimposition of execution to replacing it with life imprisonment. All the bills remain in committee. However, an initiative to restore the death penalty qualified for the November ballot after SCA 13 (Deukmejian), which aimed to do the same, was narrowly defeated on the Senate floor.

Penal Reform. Concern for the treatment of female prisoners sparked several bills this session, one concerning abortions in prison, another pregnancies, but the closest thing to penal reform to emerge as law was SB 821 (Nejedly). It creates an 11-member Commission on Correctional Manpower Development within the Human Resources Agency. The commission is to set standards for recruiting and training correctional personnel, and help local law-enforcement agencies, with advice and, eventually, financial aid, to develop programs to raise the competence of correctional personnel.

Assemblyman Frank Murphy's legislation, AB 5, to create an independent ombudsman to hear complaints within the state's penal system reached the Senate Finance Committee at recess. A similar bill by Murphy reached the Governor last year, but was vetoed as "expensive duplication" of present Department of Corrections grievance procedures.

Crime. Assemblyman Willie Brown of San Francisco was again unsuccessful in his attempt to legalize all private sexual acts between consenting adults (AB 470). Of the handful of bills dealing with marijuana control, AB 414 (Sieroty and Burton) was the only one to become law. It merely exempts those convicted of a misdemeanor for possession or use of marijuana, or for being under the drug's influence, from having to register with law enforcement officers as narcotics offenders within 30 days of establishing a new residence, a requirement now generally honored in the breach.

Prepaid Legal Aid. Under SB 777 (Song), which Governor Reagan signed last month, Californians will be able to hire prepaid legal assistance, much as they now can buy prepaid health insurance. Nonprofit corporations are authorized to administer "a system or systems of defraying the cost of professional services of attorneys," provided that membership in these corporations is open to all members of the State Bar (which supported the legislation). SB 777 was amended in the Assembly to specify that its provisions do not prohibit creation of such legal service groups as California Rural Legal Assistance, which provides, with tax funds, free legal aid to those unable to afford it.

Family Law. Bills dealing with reforming community property and probate laws to establish, among other things, legal equality between the sexes in this domain were left in committee, pending further study this fall. However, AB 662 (Dunlap and Warren) did become law, removing the preference for leaving a child "of tender years" with the mother, "all other things being equal." Also approved was SB 284 (Beilenson), which will allow public health officers to supply hospitals with lists of birth control clinics to be made available voluntarily to maternity and abortion patients.

LOCAL GOVERNMENT

A move to simplify division of such sprawling counties as Los Angeles, SB 262 (Richardson), died in committee, but not before inspiring creation of a new Assembly Select Committee on County Jurisdiction, which is headed by Assemblyman John Knox, Chairman of the Assembly Local Government Committee.

A measure backed by the League of California Cities, AB 974 (Duffy), gives cities the right to initiate county service areas in unincorporated areas. Under the new law, cities seeking such districts will have to show that city residents are, in effect, subsidizing residents in the proposed service areas for urban services paid for from the counties' general funds.

Also passed was AB 1507 (Lanterman), which requires that bonds sold by joint powers authorities be initially offered at public bid. Last year, actions permitting joint powers authorities to float bonds to build such facilities as public convention centers and sports arenas and lease them back to public agencies were made subject to approval by referendum. AB 556 (Knox), passed this year, extends the principle of review by referendum to such projects undertaken by nonprofit corporations.

Councilmen in general law cities can vote themselves cost-of-living raises of up to five percent annually under AB 530 (Ryan). The new law also adds a salary schedule for councilmen in general-law cities of more than 150,000 population.

By 1982 Californians will be able to dial a single telephone number, 911, to get help in an emergency regardless of the jurisdiction in which it occurs under the provisions of AB 515 (Warren), which was signed into law.

Councilmen and supervisors of the San Francisco Bay Area cities and counties included in the Bay Area Rapid Transit district and the Bay Area Pollution Control District will continue to serve as members of the two districts' boards. AB 170 (Bee) and AB 2325 (McAlistair), which would have made both boards elective and presumably more directly responsive to the public, failed to clear the Legislature. Both were opposed by city and county officials.

TRANSPORTATION

Though transport finance, a state department of transportation, and bicycles were central issues in the transportation field this session, the largest public controversy surrounded the recently imposed sales tax on gasoline. In applying the sales tax to gasoline, it was added to the total price at the pump. This price includes other state and federal taxes, however, and the resulting "tax on tax" created a furor. Senator James Mills, who sponsored the 1971 legislation imposing the tax, carried SB 9 this year as a clean-up bill amending various provisions of the earlier act. When the tax-on-tax issue broke, he amended SB 9 to make the sales tax applicable only to the basic price of gasoline. The measure would have saved California motorists about \$40 million dollars, by one estimate, but Governor Reagan vetoed it because, he said, no off-setting revenues were provided and he foresaw an eventual loss to the state general funds.

The other major transportation finance measure was ACA 16 (Foran). This constitutional amendment, first introduced last year, would have permitted the use

of highway-user's taxes for public transportation and air-pollution abatement. It met the same fate as last year, however — defeat on the Senate floor.

AB 69 (Deddeh) creates a state department of transportation and requires the state to develop a transportation plan and submit it to the Legislature. The bill, requested by the Governor, awaits action in the Senate Transportation Committee.

During Senator Mills' brief term as Acting Governor, he signed into law his SB 36, which provides state highway funds for constructing bicycle lanes. Governor Reagan himself signed Mills' SB 147, which establishes a bicycle licensing authority. Finally, AB 2213 (Badham) is in the Assembly awaiting agreement on Senate amendments; it establishes a statewide licensing system for bicycles effective July 1, 1975.

WELFARE

Social Security. AB 1204 (McCarthy) insures that all recipients of aid to the aged, blind, and disabled will receive on October 1, 1972, the \$12 monthly increase in federal social security payments. In the past the state has attempted to use the federal increase to reduce the state's share of social security, but this year Governor Reagan signed AB 1204, saying his 1971 welfare reform program had made it possible to do so. A related measure, AB 1209 (Burton), also signed by the Governor, permits OAS recipients whose relatives contribute to their support not to count \$7.50 of their relatives' contributions as outside income in determining their welfare grants.

Program Costs. Legislation to shift virtually all county welfare program costs to the state, at a cost to state taxpayers and a saving to property taxpayers of \$478 million in 1972-73, has been approved by the Senate and is pending before the Assembly. The bill's author, Senator Alfred Alquist, says that Assembly leaders have assured him in the past that if he could ever get the bill out of the Senate, the Assembly would also pass it. However, it is evident that a property tax relief measure of such magnitude will have to be considered as part of any general tax relief-revenue package.

Relatives' Responsibility. Governor Reagan vetoed SB 42 (Dills) and AB 667 (Gonsalves), both of which restored OAS responsible-relative payments to the lower levels in effect prior to the 1971 Welfare Reform Act. That act gave the Director of Welfare authority to raise the repayment schedule, which he did; however, in May, the administration announced that due to savings generated by the reform, the payment schedule was to be cut back by about half. This was not enough to satisfy opponents of the original action, but was sufficient to justify Reagan's vetoes of SB 42 and AB 667.

The Governor did, however, sign AB 661 (Biddle), which made several minor changes in the responsible-relative law and reduced by half the payments required of relatives 60 and over.

MISCELLANEOUS

Legislative Reorganization. The California Legislature adopted two significant reform proposals this year. The first change abolished the committee voice vote, which had made it difficult to determine how committee members actually voted on bills. Senator Peter Behr initiated a heated controversy among his fellow legisla-

tors when he suggested that both houses of the Legislature should adopt recorded roll call votes. More than 20 other Senators joined with Behr in sponsoring the resolution, and, somewhat reluctantly, the Senate Rules committee approved it and the full Senate passed it with only a handful of dissenting votes. Assembly Rules Committee Chairman John Burton responded with Assembly rules changes to implement roll call voting immediately. Following disagreement between the houses on some minor points, the Senate adopted its preferred version so that both houses now vote by roll call published as part of the official record of the respective houses (see *California Journal*, February and March 1972).

The second reform proposal was less unexpected and faced more organized opposition. Assembly Speaker Bob Moretti, Senate President pro Tem James Mills and the Republican leaders of the two houses, Assemblyman Bob Monagan and Senator Fred Marler, sponsored a constitutional amendment, ACA 95, to permit the Legislature to continue its business over a two-year period rather than adjourning annually. The proposal was first advanced as part of the 1966 constitution revision proposal, but special interest opposition succeeded in excluding it from the package finally adopted by the voters.

The almost year-long 1971 session stirred renewed interest in the proposal, and, with additional support, the proposal was introduced this year as ACA 95. With some limits on the extent of carry-over of business from the first year to the second, ACA 95 succeeded, despite outspoken opposition by some legislators and special-interest spokesmen who argued that it was unnecessary. ACA 95 will appear on the ballot as Proposition 4.

Senior Citizens. 1972 was a relatively good year for senior citizens as far as action by the Legislature is concerned. As a result of early efforts by the new Joint Committee on the Aging (see *California Journal*, December 1971, page 330 ff.), a package of bills (AB 1200-1206) was introduced by the committee's chairman, Assemblyman Leo T. McCarthy. Three of the bills have been signed by the Governor: AB 1201 increases property tax relief for senior citizens whose total income is under \$5,800 per year; AB 1202 implements the federal Nutrition Program for the Elderly; and AB 1204 increases categorical aid grants by \$12 per month beginning October 1st. AB 1200 which provides property tax relief for senior citizens who are renters is in the Senate Revenue and Taxation Committee, and AB 1206, which designates the Fair Employment Practices Commission to enforce the law prohibiting age discrimination in employment, has been passed by both houses and awaits Senate concurrence in a conference committee report.

Another bill extending the senior citizens property tax exemption, SB 7 (Nejedly), to make the exemption applicable to cooperative housing, was signed by the Governor. Free or low-cost lunches provided by school districts for people 60 or over are authorized by AB 1885 (Lewis) which is pending in the Senate Finance Committee. Also pending in Finance is a bill, AB 2114 (Maddy), which started out as a bill relating to Fresno mini-buses but which has been amended to abolish the state Commission on Aging and create an advisory Office of Aging. 🏠

both houses to recess during the last three months of the year. Many major pieces of legislation require an appropriation and thus will be exempt from the standard effective date, as will any other measure to which an urgency clause is added.

Congress as a model

Critics of the plan point out that it is similar in many ways to the congressional system and that Congress appears to conduct its business with no less confusion and disorder than the California Legislature. Speaker Moretti and other supporters of the plan claim, however, that it avoids the major shortcomings of the congressional system. The plan sets definite limits on the length of each session, Moretti argues, and does not allow unlimited consideration of bills throughout the session as does the congressional system. Nor does it have the continuous two-stage authorization-appropriation process which Congress employs. The proposed new plan requires the budget to be passed by June 15th, just as under the Legislature's present rules.

There is at present no organized opposition to this proposition, and even the opposing ballot argument, written by Assemblyman Ken MacDonald, seems remarkably friendly in its lack of focus and uncertain tone. Nevertheless, there was opposition to the proposal when it was before the Legislature, and much of that opposition remains. Because Proposition 4 will bring about a substantial change in legislative procedures, it has been consistently, if covertly, opposed by many members of the third house. There are, apparently, two principal objections to the new plan. Some lobbyists who work for clients on a contract basis are afraid that the new plan may reduce the number of bills introduced over a two-year period (because of the carry-over provision), a number that they use as a standard for billing their clients, without actually reducing their workload.

They are understandably concerned that they may not be able to persuade their clients to pay as much for their services under the new system as under the old.

Secondly, it could well turn out that two-year sessions will make it easier to win passage of major new legislative proposals. Presently, there is a general rule of thumb that major proposals take three years to pass: one to get the idea known and to work out some of the bugs; one to get the bill out of the first house; and one to get it out of the second house. With bills carried over to the second year and the greater possibility for interim study in the middle of the session, it is possible that more major proposals will pass in one two-year session. Lobbyists who actively advocate little or no change in existing state laws and policies naturally oppose anything that will make it easier for major legislation to pass.

The only large organization on record as opposed to the measure, however, is the California Taxpayers Association, which argues that the legislators now have all the powers they need to carry out legislative "reform" if they will only use them. "As it is now," says the Cal Tax statement, "the 'full-time' legislature approved by Proposition 1A in 1966 coasts along from January to late in the year with little action. Then, in a scurry, an adjournment date is determined and bills shoot out of the Legislature. A two-year session will mean two years of inaction with a scurry of action on the last two weeks before the session adjourns." What is needed, says Cal Tax, is not a change in the calendar, but such things as a reduction in the number of bills introduced each year, a cutback in the number of committees, open meetings by two-house conference committees, a return to greater use of interim committees for fact-finding studies, and a greater effort to assign bills to the committees with the greatest expertise.



SCHOOL DISTRICTS. Permits Legislature to authorize school district governing boards to carry on activities not in conflict with laws establishing such districts. Financial impact: None in absence of implementing legislation.

Proposition 5 amends the state constitution to permit the Legislature to authorize the governing boards of school districts to initiate and carry on any program or activity that is not expressly forbidden by state law and not in conflict with the laws and purposes for which school districts are established. If approved by the voters, the new provision (section 14, Article IX) will become effective July 1, 1973. It is supported by most of the state's major education interest groups, including the California School Boards Association, the Association of California School Administrators, the California Teachers' Association, and the California Junior College Association.

School districts, like cities and counties, are legal subdivisions of the state. This means that they only have such powers as are specifically granted them by the Legislature or the California Constitution. Moreover, the Legislature does not have the authority, under the existing provisions of the constitution, to make a general delegation of power to school districts. As a result, the Education Code, which is the compendium of state laws in the field of education, now runs to six

volumes and contains a great many very detailed provisions regarding school district programs and administration. For this reason, the present Education Code is described as being "mandatory" rather than "permissive".

Proposition 5 proposes to change all this by adding the following language to the constitution:

"The Legislature shall have power, by general law, to provide for the incorporation and organization of school districts, high school districts and community college districts, of every kind and class, and may classify such districts.

"The Legislature may authorize the governing boards of all school districts to initiate and carry on any programs, activities, or to otherwise act in any manner which is not in conflict with the laws and purposes for which school districts are established."

Legislation to implement these provisions — authorizing the governing boards of all school districts to initiate and carry on any educational program that is consistent with the laws and purposes for which school dis-

tricts are established — was passed by the Legislature this year but vetoed by the Governor. In explaining his veto, Governor Reagan said he favored simplifying the Education Code but added that “the need for simplification should not . . . lead us to rush to another extreme. The balance between clear enumeration of statewide policy of maximum flexibility and local control in the school districts . . . is not easily achieved.”

Proponents of Proposition 5 say that its major objective is to stimulate the development of educational programs by local districts to meet local needs. According to the measure’s author, Assemblyman John Vasconcellos, there is greater opportunity to fashion educational programs to meet the special needs of individual children if the decisions are made at the local level rather than by the Legislature in Sacramento. It is also argued that the present code has become too cumbersome and confusing to be of practical use in the day-to-day administration of the schools. It is hoped that the change to a “permissive” code will eventually lead to the development of a legal document more useful to school administrators.

The concept of a permissive code has been the subject of debate for a number of years. The 1959 Report of the Joint Legislative Committee for the Revision of the Education Code noted that, when asked what changes they would like to see in the Education Code, a large number of school officials responded that the whole code should be changed from a mandatory code to a permissive code. “This held particularly true for school administrators at the local levels,” said the committee. “It was generally felt that mandatory or prohibitive provisions should be spelled out and, unless otherwise explicitly stated, school officials should have discretion to take action.” In August of this year, educators testifying before a new committee with the same name described the present education code as a serious obstacle to their efforts to provide specialized solutions to local education problems. Dr. Clare Hall, the newly appointed associate state superintendent of schools, called the code “a mishmash of regulations that were designed for a time when problems were less complex. Educational problems are simply too diverse to be governed by one document,” he said. (Whether or not Prop-

osition 5 is approved by the voters, the new Joint Committee on revision of the Education Code is once more planning to undertake a comprehensive updating of the code over the next three years.)

Another objective of Proposition 5 is to reduce the large number of relatively minor education matters which the Legislature now must deal with each session. Educational measures make up approximately 15 percent of the total legislative workload. During the 1971 session, for example, some 600 bills were introduced and 300 were enacted into law, most dealing with the public schools. This, of course, creates a huge workload for legislators. One night during the 1972 legislative session, the Assembly Education Committee found it necessary to hear and vote on more than 100 bills in a meeting that lasted well past midnight. Many of these bills do no more than permit a district to receive federal funds for participating in a new federal program, authorize a school or district to conduct an experimental program which has not been specifically authorized previously, or simply attempt to adjust the provisions of an existing state law to fit the particular conditions of an individual district.

Opposition argument

There has been no organized opposition to this measure, but it nevertheless has many opponents. Senator William E. Coombs, who wrote the opposition argument in the ballot pamphlet, charges that Proposition 5 is an “open-end” measure that will “give more than 1,156 operating school district boards what amounts to a blank check and a free hand to institute new and experimental programs, even though those programs may be only remotely related to legitimate educational needs.” The proposed amendment, says Coombs, will seriously limit “effective control over irresponsible programming by any individual school board . . .”

It is also opposed on the ground that if implemented by the Legislature as urged by some of its proponents — that is, by erasing most of the provisions of the existing code—it will leave school district employees, school children, and taxpayers without many of the protections that have been provided by state law over the years.

6

MISCELLANEOUS CONSTITUTIONAL REVISIONS. Relocates various constitutional provisions. Deletes maximum four-year term for appointed officers. Makes provisions concerning salaries, tax matters, and convict labor. Financial impact: None.

Propositions 6 and 7 represent the final efforts of the Constitution Revision Commission to modernize and simplify the state constitution. Proposition 6 reorders six sections of the constitution, repeals one, and adds one. According to its proponents, it makes no substantive changes in the constitution, but merely brings it up to date by eliminating obsolete terms and reorganizing several provisions.

Section 3 of Article I and all of Article III are repealed and replaced by a new Article III, which provides as follows:

“Sec. 1. The State of California is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land.

“Sec. 2. The boundaries of the state are those stated in the Constitution of 1849 as modified pursuant to statute. Sacramento is the capital of California.

“Sec. 3. The powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution.

“Sec. 4. Salaries of elected state officers may not be reduced during their term of office. Laws that set these salaries are appropriations.

“Sec. 5. Suits may be brought against the state in such manner and in such courts as shall be directed by law.”

In doing so it deletes an existing provision which limits to four years the terms of non-civil service officers and commissioners whose terms are not otherwise provided for in the constitution, a provision which the authors of the measure say simply makes a constitutional amendment necessary anytime an exemption is desired. It also adds a new section providing that salaries of elected state officers may not be reduced during their term of office, which is intended to strengthen the independence of such elected officials. Finally, the new wording eliminates obsolete language describing the state's boundaries, substituting the brief reference in the new Section 2.

Section 2 of Article XXI, which gives the Legislature power to deal with tax problems arising out of a change in state boundaries, is moved to become Section 44 of Article XIII, which deals with other matters of revenue and taxation. All of Article X, which authorizes the Legislature to provide for state prisons and the

custody of prisoners and prohibits the use of convicts as contract labor for private interests, is repealed. The provision regarding convict labor, however, is reestablished as Section 5 of Article XX. The remainder of Article X is deemed to be unnecessary.

All of these changes were originally recommended by the Constitutional Revision Commission, with the exception of the new provision prohibiting reductions in the salaries of elected state officials during their term of office, which was added by the Legislature. As a matter of history, the salaries of elected state officers have never been reduced, but the sponsors of this addition argued that persons running for state office should have assurance that a vindictive Governor or Legislature cannot threaten them with salary reductions at some later date.

There is no organized opposition to Proposition 6, and no opposition argument was written for the official ballot pamphlet.

7

ELECTIONS AND PRESIDENTIAL PRIMARY. Provides for primary elections for partisan offices including open presidential primary, grants vote to 18 year olds and provides other election modifications. Financial impact: None.

Proposition 7 revises Article II of the state constitution to simplify and bring into conformity with federal law, recent court decisions, and state practice those provisions of the constitution dealing with voting. In doing so it eliminates much of the existing language regarding citizenship and residency requirements (including, for example, a reference to the Treaty of Queretaro, which is of historical interest only) that has become redundant or obsolete.

The new Article II is to read as follows:

Section 1. A United States citizen 18 years of age and resident in this state may vote.

Section 2. The Legislature shall define residence and provide for registration and free elections.

Section 3. The Legislature shall prohibit improper practices that affect elections and shall provide that no severely mentally deficient person, insane person, person convicted of an infamous crime, nor person convicted of embezzlement or misappropriation of public money, shall exercise the privileges of an elector in this state.

Section 4. The Legislature shall provide for primary elections for partisan offices, including an open presidential primary whereby the candidates on the ballot are those found by the Secretary of State to be recognized candidates throughout the nation or throughout California for the office of President of the United States,

and those whose names are placed on the ballot by petition, but excluding any candidate who has withdrawn by filing an affidavit that he is not a candidate.

Section 5. Judicial, school, county, and city offices shall be nonpartisan.

Section 6. Voting shall be secret.

The proposed new language, which was written in large part by the Constitution Revision Commission, was approved by nonpartisan votes in both houses of the Legislature and has been endorsed by such organizations as the League of Women Voters. The provisions of section four establishing an "open presidential primary" were added after voter approval of the new procedure at the June primary (Proposition 4).

Existing language regarding voting rights is not only very detailed, but in several important instances has been ruled unconstitutional under the federal constitution by the federal courts. The unconstitutional provisions include an English literacy requirement, age 21 as the minimum voting age, a one-year residency requirement, and citizenship for at least ninety days before an election. Other provisions that are eliminated guarantee voters freedom from arrest, except in cases of treason, felony, or breach of peace, while voting or going to vote; exempt voters from militia duty on election day except in wartime; and specifically permit the Legislature to authorize the use of voting machines.

The opposing argument in the ballot pamphlet, written by Senator James E. Whetmore, charges that the proposed amendment "wipes out a number of our traditional protections in the areas of voting eligibility." However, the argument goes on to refer specifically to the one-year residency requirement and the English literacy test, which have been declared by the courts to violate the U.S. Constitution, and the open presidential primary, which was adopted by the voters in June. According to the proponents of Proposition 7, the opposing statement is "an argument to keep inaccurate, unenforceable, and obsolete material in our Constitution."

CORRECTION

In the August issue of the *California Journal* on page 213 of the article on lobbying, we inadvertently indicated that Arthur H. Samish "was eventually forced to flee to Mexico to escape possible federal prosecution for tax evasion." This is not correct. Samish was prosecuted for tax evasion and served a term in the federal penitentiary. He now lives in San Francisco. We regret the error.

8

TAX EXEMPTION FOR ANTI-POLLUTION FACILITIES.

Authorizes Legislature to exempt anti-pollution facilities from ad valorem taxation and to reimburse local public agencies for resulting revenue losses. Financial impact: None in absence of implementing legislation.

Described as a "fairness doctrine" by its writers, as a "tax loophole" by its opponents, and as an open door for "all kinds of expenditures" by the Assembly Committee on Revenue and Taxation, Proposition 8 has become one of the most controversial measures on the November ballot.

Its provisions are relatively simple: it amends Article XIII of the constitution to read:

"The Legislature may exempt, in whole or in part, from ad valorem taxation, any air, water, or noise pollution control facility.

"The term 'air, water, or noise pollution control facility' means real or personal property, or a combination of both, in the form of machinery, equipment, installations, devices, fixtures or systems and includes that portion of a commercial or manufacturing unit, system, or process identified as property which removes, eliminates, reduces, or controls air, water, or noise pollution so as to produce results which meet or exceed pollution control standards required by applicable law and regulation.

"A building is not within the definition of an 'air, water, or noise control facility' unless the building is exclusively such a facility.

"The Legislature shall have plenary power to define the terms used in this section.

"The Legislature shall provide by general laws for subventions to counties, cities and counties, cities, and districts in this state an amount equal to the amount of revenue lost by each such county, city and county, city, and district by reason of any act adopted pursuant to this section. Any act adopted pursuant to this section shall contain an estimate of subvention required for the initial fiscal year in which such act is operative."

Its purpose, quite clearly, is to make it less expensive for business and industry to comply with anti-pollution standards by reducing their taxes on equipment and facilities required to meet such standards. According to the California Chamber of Commerce, which was one of the principal backers of the measure in the Legislature, "mandated facilities [for pollution control] should not be subjected to the added and continuing annual cost of property taxation imposed by government when government mandates the standard to be met. Substantial tax savings for the business community are involved in this legislative item."

The amendment will have no affect until the Legislature passes the necessary implementing legislation, so it is impossible to say in advance just what equipment and facilities may be exempted from property taxes, how much of a tax break this will be for business and industry, and how much it will cost the state to pay cities, counties, school districts, and special districts to offset any loss in property tax revenue they may sustain

as a result of the exemptions. In attempting to determine what equipment and facilities might be made eligible, the Assembly Committee on Constitutional Amendments asked the Legislative Counsel for his opinion as to whether the definition might include the following items: carpeting and acoustical ceilings (noise pollution); toilets and land used for sewer lines (water pollution); and air conditioners with filters and electrostatic chimney filters (air pollution). In his reply, the Legislative Counsel said that the "provisions of SCA 70 [Proposition 8] are not clear in this regard" and went on to give three possible variations of the meaning of the passage defining "pollution facility". He concluded, however, that the Legislature could exempt such property from taxation with any or all of the interpretations of the definition.

Opponents of Proposition 8 have seized upon this opinion as proof that the measure is unreasonably broad in its wording, providing a potential tax "loophole" of substantial proportions. The effect of Proposition 8, they charge, will be "to subsidize those who are required by law to comply with pollution control standards. As such, it will be another tax loophole that the rest of us will pay for with our tax dollars." The opponents also charge that the businesses and industries that will benefit have already "written off" as a federal tax deduction the cost of equipment purchased for pollution control. And, they say, the measure will not encourage business and industry to install new equipment but will simply pay them for what they have already done. Thus, they charge, Proposition 8 will not help to reduce pollution but will raise state taxes and "give businesses a tax break denied ordinary taxpayers."

To these charges the supporters of Proposition 8 reply that the opponents "ignore the point that pollution control facilities are installed and maintained for the primary benefit of the public although admitting that the business installing them must bear the cost of maintenance." It will not be difficult to identify pollution control facilities, they add, because such facilities must already be identified for federal tax purposes and in other states which now grant tax "relief" for such facilities. Among the backers of Proposition 8 are the California Manufacturers Association, Union Oil Company, and the California Chamber of Commerce.

Neither the supporters nor the opponents of Proposition 8 have dealt with the question of why pollution control devices and facilities should be singled out for special tax consideration and not other government mandated conditions of doing business, which also benefit the general public, such as employee safety devices, quality control standards, minimum wage laws, employee health provisions, zoning requirements, public health standards, etc. Economists generally agree that nearly all costs associated with such conditions and requirements are passed on to consumers, and many argue that business and industry will have little incentive to comply with pollution control standards until they, too, clearly become a cost of doing business.

Sacramento Area Government-Related Extension Courses

As a service to our Sacramento area readers, listed below are extension courses in government-related subjects offered this fall by the University of California at Davis and the California State University at Sacramento.

UNIVERSITY OF CALIFORNIA, DAVIS

Program Planning and Budgeting X115.4

Robert Gray, Program Budget Analyst, Department of Finance — Examines basic approaches to program planning and budgeting, including need determination, assessment, prediction, goal, and objective definition, development of alternatives, choice of program mix, and estimation of results and costs.

Sacramento: Room 424D, Management Development Institute, 111 Capitol Mall; Monday, 5:30-8:30 p.m.; October 2-December 11; 10 meetings; \$75. Limited enrollment. Prerequisite: Three years experience in a governmental program or consent of instructor. Three quarter units of extension credit.

Seminar in Program Management X115.6

Charles W. Moss, B.S., assistant executive secretary, Commission on Teacher Preparation and Licensing, Sacramento — The administrative knowledge gained in the preceding five courses of the series will be applied to "problem solving" in this concluding seminar. Participants will be concerned with identifying problems, gathering pertinent data and making and implementing decisions.

Sacramento, Public Service Room, Bank of America, 8th and I Streets; Monday, 5:30-8:30 p.m.; September 25-December 4; 10 meetings; \$75. Limited enrollment. Prerequisite: completion of Program Planning and Budgeting, Problem Analysis, Human Factors in Program Management, and Measurement, Control and Evaluation. Three quarter units of extension credit.

Mathematics for Management I X110.5

Loren Lafferty, M.A., Operations Research Specialist II, Department of General Services — Selected mathematical and statistical concepts and techniques used extensively in the quantitative aspects of management science. Major topics presented include logic, set theory, vectors, systems of equations, combinations and permutations and special subjects selected by students.

Sacramento: Room B, Sacramento Municipal Utility District Training Building, 1708 59th Street Tuesday, 7-10 p.m.; October 3-December 12; 10 meetings; \$75. Prerequisite: one year each of high school algebra and geometry or equivalent. Three quarter units of extension credit.

New Techniques in Executive and Supervisory Leadership X400

Matthias McDonald, B.A., Special Assistant to Director of Finance, Department of Finance, Sacramento — For supervisors and middle management executives, this course explores and compares a variety of traditional practices and recent innovations in the effective leadership of organizations.

Sacramento: Room 424C, Management Development Institute, 111 Capitol Mall; Tuesday, 6-9 p.m.; October 3-December 12; 10 meetings; \$47. Limited enrollment. Prerequisite: experience in supervision or consent of instructor. Three quarter units of extension credit.

Introduction to Program Management X115.1

Dennis Amundson, B.S., director, Minority Ways and Means Committee, Sacramento — Program management will be viewed from several approaches; productive, behavioral, rationalistic model and institutional. A wide range of topics including planning, budgeting, analysis, decision-making, human factors, communications, measurement, control, and evaluation will

be considered in terms of the role and functions of the program manager.

Sacramento: Room 242C, Management Development Institute, 111 Capitol Mall; Thursday, 5:30-8:30 p.m.; October 5-December 14; 10 meetings; \$75. Limited enrollment. Prerequisite: 3 years work experience on a governmental program or consent of instructor. Three quarter units of credit.

Program Analysis X115.3

Lon Spharler, M.S., Supervisor of Project Coordination, Department of Parks and Recreation — An essentially non-mathematical approach to the methodology, application, and limitation of various types of analysis for public programs.

Sacramento: Room 424D, Management Development Institute, 111 Capitol Mall; Thursday, 5:30-8:30 p.m.; October 5-December 14; 10 meetings; \$75. Limited enrollment. Prerequisite: Introduction to Program Management and Program Planning or consent of instructor. Three quarter units of credit.

Concepts in Statistics X110.6

Kenneth M. Hall, M.S., Operations Research Specialist III, State Department of Finance — A survey of the conceptual basis of statistical techniques and methods. Emphasizes summarizing observed data; presenting in an acceptable statistical manner; calculating appropriate statistics when presented with observed data; the concepts of probability models, expected values, and confidence intervals; and the relationship of computers to statistical work.

Davis: Walnut Room Mini-Center, Hutchison Drive, UCD; Thursday, 7-10 p.m.; October 5-December 14; 10 meetings; \$75. Limited enrollment. Prerequisite: high school algebra. Three quarter units of extension credit.

CALIFORNIA STATE UNIVERSITY, SACRAMENTO

Politics of Government Administration, Gov. X181

Edward Horton, Assoc. Prof. CSUS — The bureaucracy as one of the interdependent political power centers; political origins and control of government agencies; functions, influence, expertise, clientele, professional and intergovernmental relationships; change vs. the vested interests of bureaucracy; the emerging techno-structure.

Sacramento: Room SS204, CSUS Registration at first class meeting; Tuesday, 7:00-10:00 p.m.; September 19, 1972-January 9, 1973; 15 meetings; \$72. Three semester units.

Organization & Management Theory, Gov. X281

Thomas Carlson, Assistant Professor CSUS — Contemporary organization and management theory and practice; organizational behavior using interdisciplinary approach; decision-making communication; problem-solving; authority and power; personnel management strategies in effective management. Prerequisite: Government 181 and consent of instructor.

Sacramento: Room SS-204, CSUS; registration at first class meeting; Wednesdays 7:00-10:00 p.m.; September 20, 1972-January 10, 1973; 15 meetings; \$72 limited enrollment. Three semester units.

Journal Binders

Binders for the 1972 volume of *California Journal* are finally back in stock. The heavy-duty, dark blue, naugahyde binders are gold stamped on spine and cover. They provide a handsome way to keep your *Journals* in one place on your desk or bookshelf. The cost is \$6.00 plus \$.30 tax. Please enclose payment and address your order to Journal Binder, 1617 - 10th Street, Sacramento, CA 95814.

California Journal/NEWSBRIEFS

Cut ordered in phone rates; PG&E faces U.S. monopoly charge

The state Public Utilities Commission, under court direction, ordered Pacific Telephone to cut present rates by \$87.6 million a year and refund to subscribers, according to a company spokesman, "in excess of \$160 million" in overcharges. The rollback and refund resulted from a state Supreme Court ruling in June that a PUC-approved \$143-million increase granted in July 1971 was unlawful. That rate-level remained in effect, however, pending Pacific Telephone's unsuccessful appeal to the U.S. Supreme Court.

The PUC order, issued August 8th, rolled rates back to 1968, then added on \$124.3 million to reflect increased costs since 1968. The net result was to reduce present monthly single-party home phone rates from \$5.75 to \$4.80. The message-unit rate was cut from 4.7 cents to 4.5 cents. Refund of the resulting overcharge must be completed within 120 days of the PUC ruling, which puts the deadline in December.

The same day as the Pacific Telephone order, the antitrust division of the U.S. Attorney General's Office recommended action to break up an alleged monopoly it said Pacific Gas & Electric Co. enjoys at the expense of Northern California public-power agencies. At stake for PG&E is a permit to build a 1,168-megawatt, \$742 million nuclear power plant in Mendocino County.

Thomas E. Kauper, assistant U.S. attorney general, wrote the Atomic Energy Commission, where PG&E's permit is pending: "There is reason to believe that PG&E has used its monopoly power in generation and transmission to limit or deny the small utilities located within its service area access to alternative sources of bulk power supply, thereby strengthening its monopoly position." Kauper asked that, among other conditions the AEC should place upon approval of PG&E's permit, the company be made to agree to make some power available to the Northern California Power Agency. The NCPA comprises 11 smaller cities in the power business: Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, and Ukiah. "... There seems to be substantial evidence" Kauper wrote, "that PG&E has engaged in a course of conduct which has blocked the development of bulk power alternatives by NCPA, its member systems and other distribution utilities in Northern and Central California for a period of at least 20 years."

\$35 smog device must be put in '66-'70 cars to control exhausts

The Air Resources Board ruled August 23rd in San Francisco that 1966-70 automobiles must be equipped with a new smog-control device by next February. The board approved two devices to cost no more than \$35. The approved units cut exhaust emission of oxides of nitrogen, a principal ingredient in smog. The board later amended that order to postpone the effective date one year.

Earlier in the month, the board ruled that effective September 1st any 1955-65 model car sold in the South Coast Air Basin, which includes all or parts of six

southern California counties, must be equipped with an exhaust-emission control device. Dealers selling the used cars must install the devices, but in private transactions it is the buyer's responsibility. The total price of installing this device, which itself costs about \$25, must not exceed \$85. The devices for the older cars are designed to reduce emission of hydrocarbons, along with oxides of nitrogen. The new regulation applies to the transfer of 1955-65 cars in Los Angeles, Santa Barbara, Orange, and Ventura Counties, and the western portions of Riverside and San Bernardino Counties. The board expects to set effective dates for similar installation programs in San Diego County and the six San Francisco Bay Area counties at its September 27th meeting in San Francisco.

Most passenger vehicles manufactured from 1966 to 1970 are already equipped with exhaust systems that control hydrocarbons and carbon monoxide, an ARB spokesman said. Models produced since 1971 include controls for oxides of nitrogen as well. Cars with fuel-injection engines or with engines of less than 140-cubic-inch displacement (most foreign-made cars) are exempt from the ARB orders.

State seeks to force cities to comply with 1970 environmental act

Must chartered cities file statements detailing the probable impact that a given construction project will have on the environment, or are they exempt from provisions of the 1970 Environmental Quality Act? San Mateo and San Francisco, among other chartered cities, argue that since the California Constitution grants them full control of "municipal affairs" they are competent to act in this domain without state interference, and that, in any case, normal plan review procedures constitute substantial compliance with state law.

So far, the question has been heard only in local courts, but five cases have now been appealed, setting the stage for the state Supreme Court, if it chooses, to clarify the act's applicability. The state Attorney General filed friend of the court briefs August 10th in the 1st District Court of Appeal asking that San Francisco be forced to submit environmental impact statements on two private projects that its city planners have approved. Briefs had been filed earlier in cases concerning construction of condominiums in Mammoth Valley, certification of a power plant at Fry Mountain in southern California, and installation of a water plant in San Mateo. Aside from the question of legal obligation to submit the statements, in private as well as public construction projects, the San Mateo case raises the additional question of what constitutes an environmental impact statement. No hearing date has been set in any of the cases.

More ferries will ply San Francisco Bay

When the San Francisco Bay and Golden Gate Bridges opened in 1936 and 1937, the car ferries running from the Oakland Mole to the Ferry Building were slated for extinction as unwanted and unwarranted competition. Though they

lingered on for more than a decade, today they are gone. But as the two major bay spans approached their saturation points in the 1960s, means of increasing their capacity, such as by double-decking the Golden Gate, were studied. Instead, alternate modes of transportation were sought, and the Bay Area Rapid Transit district was born, returning interurban trains to the area, and the Golden Gate authority was broadened and renamed the Golden Gate Bridge, Highway and Transportation District. It now runs 175 buses between San Francisco and Marin County, and one 592-passenger ferryboat between Sausalito and San Francisco.

Last month, the U.S. Department of Transportation approved a \$16.5 million grant to increase the Golden Gate ferry fleet by three. The first of the 165-foot, 750-passenger aluminum boats is scheduled for delivery in April 1974.

State's population grows, but the great migration is over

In 1952, Governor Earl Warren liked to point out that the equivalent of the population of a new Palm Springs moved into California each week. At the peak of this postwar migration, 1,500 newcomers poured into California each day. In 1962-63 alone, the state gained 356,000 new residents. Last year, by contrast, estimated net migration reached only 55,000, which together with 147,000 more births than deaths, brought California's estimated population as of July 1st to 20,524,000, a 1.2 percent increase.

State Department of Finance researchers, who released the new estimates last month, said Los Angeles County and San Francisco both lost population last year, the first time for Los Angeles. Los Angeles declined by 64,300 residents to 6,966,900, a drop of just under one percent. San Francisco, which began reflecting a population decline in 1969, lost 2.4 percent of its residents, or 16,800 persons, leaving 685,600. That is about the same population as Sacramento County, which recorded a 2.8 percent increase, growing to 668,100. The only other county to show a decline was mountainous Lassen, which dropped by 100 to 17,200.

The greatest growth, on the other hand, was recorded by the state's least populous county, Alpine, which added 100 residents, raising its population to 600, a 20 percent increase. Orange County and San Diego Counties gained the most new residents in the year. Orange County population increased by 67,700, to 1,565,200; San Diego's rose by 47,700, to 1,438,300.

Space shuttle contract boosts one L.A. firm but staggers another

California's historic pattern of rise and fall in growth industries ranging from gold mining to movie production was reaffirmed in the state's depressed aerospace industry with last month's award of a \$2.6 billion contract to North American Rockwell Corporation to build an orbiter vehicle, key element of a space-shuttle program. To carry out its new contract, the firm's space division in Downey expects to hire an additional 9,000 people by 1976. With the subcontractors performing

about 53 percent of the work, southern California employment could raise by 22,000 in those four years, according to one published estimate.

But one company's triumph can be, as the *Los Angeles Times* noted, another firm's disaster. McDonnell Douglas Corporation, one of three unsuccessful bidders, expects to lay off 13,500 by the end of next year. "Had McDonnell Douglas been selected to build the space shuttle," a company spokesman said, "it was anticipated that a significant portion of this reduction would not have been necessary."

Schmitz wins AIP nomination

Representative John G. Schmitz, whose district includes President Richard Nixon's home in San Clemente, changed his party registration from Republican to American Independent at the AIP convention in Louisville last month, and easily outdistanced four other candidates for his newly adopted party's presidential nomination. Schmitz delighted the delegates, by the *Los Angeles Times'* account, by summoning Grayson Watkins of Anaheim, deputy voter registrar for Orange County, to perform the party-registration ceremony on the dais. Watkins said he is Orange County chairman of the American Independent Party, which Alabama Gov. George C. Wallace organized in his 1968 bid for the Presidency.

Wallace, who was running this year for the Democratic nomination until felled by an assassin's bullets, headed off an incipient draft movement at the AIP convention by addressing the delegates by telephone before the balloting began to say his wounds forbid his running for office this year.

In accepting the nomination, Schmitz called Nixon a "covert radical" who looks moderate only in comparison with the Democrat's nominee, George McGovern, and said the two major parties are tools of a "collective conspiracy." Partly because of his attacks on President Nixon, Schmitz lost his bid for reelection to Congress in California's June primary election.

State drops more of coast freeway

Nearly 70 miles of California coastline were formally dropped from the state's freeway system in legislation signed into law last month. Deleted were sections of California 1 between Torrance and San Juan Capistrano, between Santa Cruz north to the border of Santa Cruz and San Mateo Counties, and through the cities of Long Beach and Newport Beach.

With other deletions ordered by the Legislature in recent years, California 1 has now been deleted from the state freeway system from Half Moon Bay, just south of San Francisco, to San Juan Capistrano, with the exception of a one-mile stretch connecting California 105 to Los Angeles International Airport. North of Half Moon Bay to California 1's junction with Highway 101 in Leggett, the route remains in the freeway system, but a Department of Public Works spokesman said that no freeway projects are now planned for that scenic and mostly two-laned, curving coastal road.

Selected State Government Reports

ENVIRONMENT

Report on Proposed Interim Environmental Impact Statement Guidelines; by the Assembly Committee on Environmental Quality, Room 4171, State Capitol, Sacramento 95814. June 5, 1972. 31 p.

Fourth Annual Report, 1971, of the California Advisory Commission on Marine and Coastal Resources; 714 P Street, Room 770, Sacramento 95814. June 1972. 236 p.

Report on Ten-Year and Twenty-Year Forecasts of Electric Utilities' Loads and Resources; prepared by the Electric Branch of the Utilities Division of the California Public Utilities Commission, State Building, Civic Center, San Francisco 94102. (General Order No. 131, Sections 2 and 3.) July 25, 1972. 22 p. A report on long-range forecasts of electric utilities' loads and the resources needed to meet these loads, based upon data prepared by the utilities.

CONSUMER AFFAIRS

Report to the Subcommittee on Judiciary of the Advisory Commission on the Uniform Consumer Credit Code (Senate Resolution 133); published by the Senate Judiciary Committee, State Capitol, Room 2183, Sacramento 95814. January 1972. 358 p.

Landlord-Tenant Law in California: The Continuing Need for an Overhaul; prepared by the Senate Majority Caucus, Room 106, State Capitol, Sacramento 95814. First issued April 1971. Updated, with special insert, May 1972. 14 p.

LAW AND THE COURTS

Delay in the Courts — Who Is Responsible? What Shall We Do?; "The Commonwealth," Part Two of Vol. 66, No. 29. Commonwealth Club of California, 681 Market Street, San Francisco 94105. July 17, 1972. 20 p. (50¢) A report and recommendations of the club's study section on administration of justice, including arguments for and against.

CAMPAIGNS AND ELECTIONS

Administrative Obstacles to Voting; a report of the Election Systems Project, the League of Women Voters Education Fund, League of Women Voters of the United States, 1730 M Street N.W., Washington D.C. 20036. (60¢) 1972. 35 p. Reports on the administrative practices of election officials in 251 communities during the fall election period of 1971.

Statement of Vote, State of California, Consolidated Primary Election June 6, 1972; compiled by Edmund G. Brown Jr., Secretary of State, First Floor, Capitol Building, Sacramento 95814.

HEALTH

Fifth Annual Report on the Implementation of the California Therapeutic Abortion Act, Human Relations Agency, Department of Public Health, Bureau of Maternal and Child Health, 2151 Berkeley Way, Berkeley 94702. 1972. 10 p. A report to the Legislature compiled from quarterly hospital reports on therapeutic abortions and a survey questionnaire

sent to pregnancy counseling services throughout the state. Includes summaries of patient characteristics, demographic effects, and regional comparisons.

EMPLOYMENT

State of California Public Employment Program Progress Report; prepared by the Advisory Coordinating Council on Public Personnel Management, 455 Capitol Mall, Suite 385, Sacramento 95814. June 1972. Concludes that, on the whole, "the PEP program is sufficiently successful in California as to justify its continuance for at least another year."

PUBLIC FINANCE

Whatever Happened to State Budgeting? edited by S. Kenneth Howard and Gloria A. Grizzle, Institute of Government, University of North Carolina, Chapel Hill. Published and available from the Council of State Governments, Iron Works Pike, Lexington, Kentucky 40505. (\$6.75) January 1972. 503 p. Explores the theory and practices of state budgeting.

Local Income Taxes: Economic Effects and Equity; by and available from the Institute of Governmental Studies, University of California, Berkeley 94720. (\$4.50) 1972. 220 p. An analysis based on a case study of San Francisco, with special attention to socio-economic effects and issues of equity.

MISCELLANEOUS

State Planning Issues '72; edited by Richard H. Slavin and Terry Smith. Published by and available from the Council of State Planning Agencies and the Council of State Governments, Iron Works Pike, Lexington, Kentucky 40505. (\$3.00) March 1972. 123 p. Position papers presented at the annual meeting of the State Planning Agencies in Washington, D.C., with emphasis on state and federal land use policy, land use planning and economic environmental considerations, innovations affecting state planning, and federal grant coordination.

California, The Golden State; published by the California Senate. Available free from the Legislative Bill Room, State Capitol, Sacramento 95814. July 1972. 25 p. A student's introduction to California and California Government.

Review of Operations and Management of the California State Exposition and Fair; prepared by the Assembly Committee on Efficiency and Cost Control, State Capitol, Room 440 B, Sacramento 95814. April 12, 1972. 73 p. Includes a dissenting view by one committee member.

Function Committee Report on the California State Exposition and Fair; prepared by the Department of General Services, 915 Capitol Mall, Suite 590, Sacramento 95814. June 21, 1972. 12 p. States purpose objectives, functions, and general policies, and details the capital investment necessary each year of a "Five Year Plan" to complete Cal Expo. Also, **Supplement Book** to the report, 30 p. (See **California Journal**, August 1972, p. 224).



PEOPLE IN THE NEWS

On September 15th, **J. Earl Coke**, 72, will leave his position as Secretary of the Agriculture and Services Agency. A former assistant secretary of agriculture in President Eisenhower's administration, Coke joined the Reagan administration in 1967 as director of the Department of Agriculture. He assumed his present position when the Agriculture and Services Agency was created in 1968. Coke also served as assistant to the Governor for cabinet affairs during 1969.

Reagan named **James G. Stearns**, 50, to succeed Coke. Stearns, currently director of the Department of Conservation, will be responsible for the Departments of Agriculture, Consumer Affairs, State Fire Marshal, Franchise Tax Board, State Personnel Board, and the public employees and teachers retirement systems. A Republican, Stearns was a Modoc County supervisor from 1951 until 1967. He is a former president of both the County Supervisors Association and the Western Regional District of the National Association of Counties.

Two new special assistants have been appointed to the Governor's staff. **Lewis K. Uhler** and **Charles D. Hobbs**, both 38, will be responsible for task force studies and special projects for the Reagan administration, working under Edwin Meese III, the Governor's executive assistant. Uhler has been assistant secretary of the Human Relations Agency since August 1971, when he left the state Office of Economic Opportunity, which he directed. During his term as director of OEO, Uhler created a controversy by criticizing the federally funded California Rural Legal Assistance program and urging the Nixon Administration to terminate CRLA's financing. Hobbs left his position as deputy director for operations in the Department of Social Welfare to join the Governor's staff. Both appointments were effective September 1st.

On August 29th, Governor Reagan appointed **Assemblyman James A. Hayes**, 50, to the Los Angeles County Board of Supervisors, a post for which Hayes is a candidate in the November election. A Republican from Long Beach, Hayes fills the unexpired term of **Supervisor Burton Chase**, 72, who died August 22nd of traffic injuries. Chase had announced his retirement. The other candidate for the nonpartisan post is **Marvin Braude**, a Democrat and a member of the Los Angeles City Council. Braude called Reagan's appointment of Hayes "grossly unfair and unfortunate . . . a very partisan action to give my opponent an advantage." Reagan, however, said Chase had once told him that Hayes was his preferred successor.

The first black president of a major western American university will take office this month at Sacramento State University. **Dr. James G. Bond**, 48, succeeds **Dr. Bernard L. Hyink**, who is returning to a professorship at Fullerton State University. Bond, a former practicing psychologist, began teaching at Bowling Green (Ohio) State University in 1957, where he has been vice presi-

dent since 1967. In March 1972, Bond took leave from Bowling Green to become a special consultant to the American Association of State Colleges and Universities. His appointment to SSU was approved last month by the Trustees of the California State University and Colleges. Said Bond: "I'm anxious to get on board. The University looks like a sleeping giant to me, ready to go." He will be the seventh president in seven years at SSU, which expects an enrollment of 17,500 students this fall.

For the last five months, the State Military Department has been conducting an intensive investigation of **Major General George W. Edmonds**, chief of staff of the California Air National Guard. The investigation results from charges made by a dismissed subordinate of nepotism and abuse of government property and personnel. While the results of this investigation were under review, the Guard reported receiving a request that additional matters concerning Edmonds be investigated. The State Military Department declined to reveal the nature of the new charges, but a spokesman said they were being analyzed to see "whether a formal investigation is required."

"We'll probably take soundings next year, and if I'm the strongest candidate I'll probably run for Governor and, if I'm not, I probably won't." **Attorney General Evelle J. Younger** thus described his "very uncomplicated" political plans. "I'm not just dying to get another job," Younger added. "I genuinely enjoy what I'm doing." Another potential Republican candidate for Governor in 1974, **Robert Finch**, is ready to leave his job, however. Finch, now a Cabinet-level advisor to President Nixon, told the President that he will resign after the November election. The former lieutenant governor's immediate plans are to join a southern California law firm.

James S. Dwight, 38, resigned as the Governor's chief deputy director of finance last month to accept a position with the Nixon administration. On August 21st, Dwight assumed his new post as associate director of the federal Office of Management and Budget, which is headed by Reagan's former finance director (and Dwight's former boss), Caspar Weinberger. Dwight served as a fiscal advisor to the Governor following Reagan's election in 1966. He was appointed state deputy director of finance in 1967. The next year, the former controller of Sunkist Growers was promoted to chief deputy finance director. Governor Reagan has credited Dwight with being a principal architect of his "cut, squeeze, and trim" fiscal policy.

On August 25th, **Thomas A. Shaheen** resigned as Superintendent of Schools in San Francisco with two years remaining of a four-year contract. Shaheen, a strong advocate of busing, will receive a cash settlement from the Board of Education in return for stepping down in favor of **Dr. Steven Morena**, assistant chancellor of the San Francisco Community College District.



VOTING RECORDS

Listed below are the votes of Senators and Assemblymen on the major roll calls in the Legislature through this month and a brief summary of the issues under consideration. Votes selected for inclusion are on issues of major importance to Californians as a whole or issues on which there is a major division of opinion, or both.

Y—Yes *—Absent or Not
N—No Voting

$\frac{2}{3}$ vote required for urgency measures, constitutional amendments, appropriation bills.

Assembly: 41 votes required for passage of bills requiring majority vote.
 $\frac{2}{3}$ = 54 votes.

Senate: 21 votes required for passage of bills requiring majority vote.
 $\frac{2}{3}$ = 27 votes.

SENATE

July 20th to 26th

SB 1310 (Alquist) — Creates Electrical Power Facilities Siting Council to regulate siting of thermal electric power plants and electric transmission lines. Passed 22-13.

SB 430 (Richardson) — Requires revocation of parole of person convicted of offense punishable as felony while on parole. Passed 23-9.

SB 445 (Bradley) — Limits charitable property tax exemption for property used for housing and care of aged persons to \$5,000 per unit of occupancy except for that portion of such property used for housing and care of aged persons whose sole subsistence is from social security or from welfare grants or who are given housing and care without charge. Failed 12-21.

SB 1170 (Behr) — Provides that prior authorization under Medi-Cal may not be imposed upon any basic or supplemental service performed by a physician on an outpatient basis, with specified exceptions. Passed 22-9.

SB 1090 (Carpenter) — Would permit school districts to issue driver training reimbursement certificates for use in obtaining driver training otherwise not available to students at public schools. Passed 25-9.

AB 99 (Lewis) — Enacts Moretti-Lewis-Brown-Rodda Child Development Act. Consolidates existing child care services, preschool and children's center programs, and day care programs for welfare recipients and low income families. Places administration of these programs under Dept. of Education instead of Dept. of Social Welfare. Appropriates \$3.1 million for implementation. Passed 27-6.

SB 1399 (Alquist) — Appropriates \$1,750,000 for community college extended opportunity programs. Passed 22-4.

SB 396 (Petris) — Authorizes local government to overrule a majority protest to the establishment of a pedestrian mall by a $\frac{2}{3}$ vote. Authorizes city with population of 150,000 or more to apply for state funds in amount of \$5 million to finance entire cost of establishing pedestrian malls. Failed 13-16.

SCA 27 (Nejedly) — Would provide that any bill proposing a tax increase be passed by a $\frac{2}{3}$ vote instead of only those increasing taxes on banks, insurance companies, and corporations. Failed 16-16.

ACA 25 (Knox) — Would lower drinking age to 18, subject to voter approval. Failed 14-25.

SB 499 (Alquist) — Would allow state college employees to inspect material in their personnel files that affects employee's employment status. Attempted override of Governor's veto failed 19-12.

SB 860 (Carpenter) — Creates Calif. Coastal Resources Board to provide for regulation of the coastal zone and the development of a state coastal zone master plan. Passed 23-16.

SB 50 (Collier) — 1972-73 state budget. Attempted override of Governor's deletion of \$15,563,000 for state employee salary increases, reducing across-the-board salary increases from $7\frac{1}{2}$ to 5 percent. Failed 26-13 (27 votes required).

SB 50 (Collier) — 1972-73 state budget. Attempted override of Governor's deletion of \$5,958,000 in additional funding for the University of Calif. in lieu of tuition. Failed 25-13 (27 votes required).

July 27th to August 4th

SB 90 (Dills) — Major school finance measure. Would increase state sales tax by one percent and make approximately \$900 million available for school support and property tax relief. Passed 25-8.

SB 161 (Rodda) — Appropriates \$21,607,320 for University of California and state college faculty salary increases. Passed 27-9.

SB 1454 (Moscone) — Establishes California Housing and Community Development Agency to facilitate the development of low and moderate income housing, to make grants to non-profit corporations for low income housing developments and to make loans for the construction and rehabilitation of housing units. Passed 22-11.

SB 540 (Alquist) — Transfers the administration of welfare programs from the counties to the state. Passed 21-14.

AB 4 (Garcia) — Would require foreign-language speaking election officials to serve in precincts with substantial numbers of non-English speaking voters. Passed 22-14.

SB 4 (Collier) — Establishes protected waterway system, consisting of Smith, Trinity, Klamath, Salmon, Shasta, and Scott Rivers. Prohibits construction of dams on Eel River and portion of Russian River unless approved by Legislature. Passed 26-5.

SB 944 (Moscone) — Appropriates \$5 million for bilingual-bicultural public school teachers and to aid children of limited English-speaking ability and foreign language speaking pupils. Passed 22-8.

SB 107 (Behr) — Establishes California Wild and Scenic Rivers System, consisting of Klamath, Trinity, Smith, Eel, and American Rivers. Prohibits construction of dams or reservoirs on such rivers. Passed 21-11.

ACA 26 (Vasconcellos) — Would permit Legislature to authorize school districts to initiate and carry

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vote upon reaching the age of 17. Urgency. Failed 13-19.

SB 1352 (Deukmejian) — Makes failure or refusal to leave a public building under specified circumstances a violation of law against trespassing, constituting a misdemeanor. Passed 21-14.

SB 1193 (Nejedly) — Extends indefinitely law prohibiting any person or agency from undertaking proposed project which would alter the flow of any river, stream, or lake until Dept. of Fish and Game's recommendation is incorporated into project proposal. Failed 17-17.

AB 684 (Crown) — Authorizes establishment of local criminal justice planning districts and boards to coordinate county criminal justice activities. Passed 21-14.

SB 433 (Beilenson) — Permits minors who are classified as sexually active by a physician to obtain contraceptives without parental consent. Passed 21-17.

SB 129 (Alquist) — Consolidates the reporting of campaign contributions and expenditures in a single campaign statement disclosing all contributions and expenditures of \$100 or more. Prohibits anonymous contributions of \$100 or more. Passed 27-4.

AB 26 (Chappie) — Prohibits operation of motorboats in inland waters of state whose engines exceed specified noise levels. Passed 21-13.

AB 1556 (Z'berg) — Removes a portion of the proposed State Route 276, from Three Rivers to Mineral King in Tulare County, from the state highway system, to aid preservation of Mineral King as a recreation area. Passed 21-17.

AB 375 (Crown) — Replaces California Council on Criminal Justice with full-time salaried board. Passed 21-16.

AB 252 (Barnes) — Appropriates \$21,607,320 for University of California and state college faculty salary increases. Passed 29-7.

AB 205 (Fenton) — Extends unemployment insurance benefits to agricultural workers. Passed 21-12.

AB 1547 (Sieroty) — Would enable disabled person to obtain injunction against further construction or operation of a public or private facility which does not conform to building requirements for physically disabled persons. Failed 18-18.

AB 1778 (Sieroty) — Makes posses-

sion of marijuana punishable by imprisonment in the county jail for not more than 6 months or by a fine of not more than \$500 or both, instead of by imprisonment in county jail for not more than 1 year or in state prison from 1 to 10 years. Failed 17-20.

AB 256 (Warren) — Extends state minimum wage of \$1.65 per hour to men. Passed 23-7.

SB 90 (Dills) — \$1.2 billion compromise tax reform-school finance plan supported by Governor Reagan and Democratic Assembly Speaker Bob Moretti. Would have increased homeowner's property tax exemption, increased school financial support, increased sales tax, increased income tax, and increased bank and corporation taxes. Failed on vote to concur in Assembly amendments, 23-14.

ACA 48 (Z'berg) — Declares it is state policy to protect natural resources and to develop and maintain an environment of high quality. Proposed constitutional amendment subject to voter approval. Reconsideration failed 17-19.

AB 1647 (Russell) — Requires school employee who is attacked, assaulted, or menaced by a student or student's parent to submit detailed report to principal and district superintendent. Failed 11-19.

AB 262 (Vasconcellos) — Makes \$5,020,000 available for methadone maintenance programs to treat heroin addicts. Passed 28-1.

AB 566 (Waxman) — Repeals law declaring wife's residence to be that of husband and permits married woman to maintain own legal residence regardless of the legal residence of her husband. Passed 21-10.

AB 1757 (H. Johnson) — Would authorize a defense attorney to interview witnesses as to facts related to the offense his client is charged with and to record the statements of such witnesses without their knowledge or consent. Failed 14-18.

ASSEMBLY

July 20th to 26th

ACA 45 (Ralph) — Repeals constitutional provision that a low-rent housing project may not be developed or constructed without prior approval of voters. Provides that approval is instead subject to referendum. Failed 36-33.

AB 1883 (B. Greene) — Provides

that all records relating to the investigation of a complaint against a peace officer for violation of a rule or regulation shall be disclosed to the person making the complaint and his attorney. Failed 26-32.

AB 877 (Cory) — Substitutes life imprisonment without possibility of parole for capital offenses which carry death penalty. Failed 29-39.

ACA 27 (H. Johnson) — Changes term of assemblymen from 2 to 4 years and prohibits members of Legislature from running for other house unless office is vacant. Failed 42-29.

AB 1707 (Brown) — Repeals law authorizing peace officer to take minor under 18 into temporary custody when officer has reasonable cause to believe minor is person who violated law or who fails to obey order of juvenile court. Passed 42-24.

ACA 78 (Brathwaite) — Authorizes Legislature to provide for the assessment of housing for persons with low or moderate incomes on such basis as it determines to be consistent with the use of such property. Failed 28-34.

SB 947 (Moscone) — Permits one additional grand jury to be impaneled in any city and county, with jurors selected at random. Passed 49-20.

AB 2376 (Z'berg & Way) — Creates State Environmental Protection Board and regional boards to regulate air and water quality, solid waste management, pesticide use, nuclear radiation, resources recovery, noise abatement, etc. Failed 34-33.

July 27th to August 4th

AB 1283 (Arnett) — Revamps state's school finance system to partially comply with *Serrano* court decision which declared present system unconstitutional. Would equalize support to school districts to provide more funds for low-wealth districts. Passed 68-8.

AB 1744 (Brathwaite) — Provides that certain federally assisted housing for persons with low or moderate incomes be assessed for purposes of property taxation by the capitalization of income method. Passed 43-22.

AB 1565 (Waxman) — Provides for reimbursement of certain campaign expenses of candidates for state and federal office. Failed 25-42.

AB 1098 (Dunlap) — Expands pow-

ers of local human relations commissions by granting jurisdiction over local complaints against discrimination in employment and housing, the power to investigate such complaints by means of public hearings, and the power to review city and county employment contracts. Passed 41-29.

SB 1244 (Marks) — Makes the selling of merchandise or services of any kind to the public at an airport without the airport's consent a misdemeanor. Passed 49-14.

ACA 93 (Miller) — Would authorize Legislature to insure the self-organization and representation of University of California employees for the purpose of negotiating all matters affecting the terms and conditions of their employment. Proposed constitutional amendment to be submitted to voters. Failed 42-31.

SB 1446 (Moscone) — Requires California State University and Colleges to establish grievance and disciplinary action procedures for employees. Provides for arbitration. Passed 42-24.

AB 380 (Moretti) — Appropriates \$22,637,000 for state employee salary increases to compensate for Governor's reduction of state employee salary increase contained in state budget. Passed 56-8.

SB 241 (Marks) — Appropriates \$1,175,680 to California State University and Colleges for educational opportunity programs. Failed 46-14.

SB 348 (Petris) — Provides for tenant representation on housing authority commissions, requires authority to issue written statement of reasonable cause for eviction and provide for grievance procedure before eviction action is filed, and establishes other tenant rights. Passed 42-17.

SB 777 (Song) — Authorizes formation of non-profit corporations to administer a system of prepaid legal services. Passed 54-10.

SB 90 (Di'ls) — See description under Senate votes.) Passed 61-10.

SB 263 (Schrade) — Requires Dept. of Motor Vehicles as soon as possible to issue reflectorized safety license plates. Passed 45-23.

SB 1454 (Moscone) — (See description under Senate votes.) Passed 51-15.

SB 840 (Moscone) — Changes deadline for receipt of absentee ballots from 5 p.m. of day before

ASSEMBLY

Democrats

	ACA 45 AB 1883 AB 877 ACA 27 AB 1707	ACA 78 SB 947 SB 2376 AB 1293 AB 1744	AB 1565 AB 1088 ACA 1244 ACA 93 SB 1446	AB 380 SB 241 SB 348 SB 777 SB 90	SB 263 SB 1454 SB 840 SB 1302 ACA 10	SB 1358 ACA 70 SB 321 ACA 91
Bee	YYYYY	YYNY	YYNY	YYY**	YYNY	***
Brathwaite	YYYY*	YYYY	YYYY	Y*YY	YYNY	Y*NY
Brown	YYYYY	YYNY	*YYY	YYY**	*YYN	Y*NY
Burton	YYYYY	*Y*Y	YYYY	YYNY	*YYN	YYNY
Chacon	YYY*Y	YYYY	YYYY	YYYY	*YYN	*Y*Y
Cory	YYNY	YY*Y	YYNY	YYYY	YYY*	YYNY
Crown	YYYY*	Y*Y*	YYNY	**YY	YYYY	Y*Y
Cullen	YNNY	YYNY	NYYY	YYY*	*****	Y***
Davis	YNNY	NNNY	***N*	Y*NY	Y*Y*Y	NYNY
Deddeh	YNNY	NYYY	NYYY	YYYY	YYNY	NYNY
Dunlap	YYYYY	YYYY	YYNY	YYNY	YYNY	YNNY
Fenton	YYYYY	YYNY	YYYY	YYYY	YYY*Y	YYNY
Fong	YYYYY	YYYY	YYYY	YYYY	*YYY	YY*Y
Foran	*Y*Y	*Y*Y	**YY	Y*Y*	YYNY	*Y*Y
Garcia	YYYYY	*YYY	*YYY*	Y***	YYNY	*YNY
Gonsalves	Y*YY	YYNY	NNY*Y	YYY*Y	YYYY	*YNY
Greene, B.	YYYY*	YYYY	Y*Y*	Y*Y*	YYNY	Y*NY
Greene, L.	YYNY	YYYY	NYYY	Y*Y*	YYNY	YNY
Johnson, H.	***Y	*YNY*	*YYY	YYYY	YYNY	YNY
Karabian	*****	*YYY*	YYYY	Y*Y*	YYNY	YNNY
Keysor	Y*Y*	*YYY	*YYY	YYYY	YYYY	YYY
Knox	Y*YY	YYNY	YYYY	YYYY	YYNY	YNY
LaCoste	NNY*	NYYY	NY*Y	YYYY	YYYY	NYNY
MacDonald	NNY*	*YYY	NYYY	YYYY	YYNY	NYNY
McAlister	YNNY	YYYY	YNY	YYYY	YYYY	NYNY
McCarthy	Y*YY	YYY*Y	*YYY	YYNY	YYNY	***Y
Meade	YYYY	YYYY	YYNY	YYYY	*YYN	YNNY
Miller	YYYY	Y*Y*	YNY*	***Y	*****	***
Moretti	YYYY	Y*Y*	YYYY	YYY*Y	YYYY	YNY
Pierson	YYNY	Y*Y*	Y*Y*	YYYY	*****	*YNY
Porter	***Y	YYNY	NY*Y	YYYY	YYNY	NYNY
Powers	YNNY	NYN*Y	NYYY	Y*Y*	YYYY	Y*Y
Quimby	YYYY	***Y	YYYY	Y***	YYNY	YNY
Ralph	YYNY	Y*Y*	Y*Y*	Y*Y*	YYNY	YNY
Ryan	YNY*	YYY*Y	YNY*	Y*Y*	NY**	Y***
Sieroty	YYNY	YYYY	YYNY	Y*Y*	YYNY	YNNY
Thomas	Y*NY	*YNY	NY*Y	YYYY	YYNY	YNY
Townsend	Y*NY	N*Y*	NYYY	YYYY	YNY*Y	NYNY
Vasconcellos	YYNY	YYYY	YYNY	YYYY	YYNY	YNNY
Warren	***Y	YYYY	YNY*	*YYY	YYNY	YNNY
Waxman	YYYY	YYYY	YYY*	*YYN	YYNY	YNNY
Wilson	Y*NY	YYYY	YYYY	YYYY	YYNY	NNNY
Z'berg	Y*NY	*YYY	*Y*Y	YYNY	YYNY	YNNY

election to close of polls on election day. Permits absentee ballots to be counted if returned to any precinct board in county prior to close of polls. Requires registration of voters to remain in progress at all times except during the 29 days immediately preceding any election.

Urgency clause refused adoption, 41-22.

SB 1302 (Dymally) — Requires the establishment of comprehensive early childhood education programs for children aged 3 years and 9 months to the completion of third grade. Passed 43-21.

ASSEMBLY	1707 ACA 27 AB 877 AB 1883 ACA 45	ACA 78 SB 947 AB 2376 AB 1283 AB 1744	1565 1098 1244 ACA 93 SB 1446	380 241 348 377 SB 90	263 1454 840 1302 ACA 10	1358 ACA 70 SB 321 ACA 91
Republicans	AB	ACA	SB	AB	SB	SB
Arnett	N*Y	Y	Y	Y	Y	Y
Badham	N	N	N	N	N	N
Bagley	Y	Y	Y	Y	Y	Y
Barnes	N	N	N	Y	Y	N
Belotti	Y	N	N	Y	Y	N
Beverly	N	N	N	Y	Y	Y
Briggs	N	Y	N	Y	Y	Y
Brophy	*	*	*	*	*	*
Burke	N	N	N	N	Y	N
Campbell	N	*	N	*	Y	Y
Chappie	*	*	*	*	Y	Y
Cline	N	N	N	N	Y	Y
Collier	N	N	N	N	N	Y
Conrad	N	N	N	N	Y	Y
Dent	N	N	Y	N	Y	Y
Duffy	N	N	N	N	Y	Y
Hayden	N	N	N	N	Y	Y
Hayes	N	N	Y	Y	Y	Y
Johnson, R.	N	N	Y	Y	Y	Y
Ketchum	N	N	N	N	Y	Y
Lancaster	N	N	N	N	Y	Y
Lanterman	N	*	N	N	Y	Y
Lewis	*	*	N	N	Y	Y
MacGillivray	*N	*	N	Y	Y	Y
Maddy	*	*	Y	N	Y	Y
Mobley	N	N	N	N	Y	Y
Monagan	N	N	N	N	Y	Y
Moorhead	N	N	N	N	Y	Y
Murphy	N	N	N	N	Y	Y
Priolo	N	N	Y	N	Y	Y
Russell	N	N	N	N	Y	Y
Seeley	N	N	N	N	Y	Y
Stacey	N	N	N	N	Y	Y
Stull	N	N	N	N	Y	Y
Wakefield	N	N	N	N	Y	Y
Wood	N	N	N	Y	Y	Y

SCA 10 (Song) — Proposed constitutional amendment to authorize 8- to 12-member juries in criminal actions involving misdemeanor offenses. Would also repeal requiring verdicts in civil actions to be rendered by three-fourth of the jury. Failed 45-23.

SB 1358 (Beilenson) — Prohibits clinics and hospitals which perform sterilization operations for contraceptive purposes from requiring individuals seeking such operations to meet any non-medical qualifications. Failed 37-30.

SCA 70 (Stiern) — Authorizes Legislature to exempt from ad valorem taxation certain pollution control facilities which meet or exceed pollution control standards. Adopted 56-12.

SB 321 (Harmer) — Requires imposition of a refundable \$5 community college enrollment application fee on all applicants except 11th and 12th grade high school students applying for part-time classes. Failed 8-51.

ACA 91 (Brathwaite) — Authorizes Legislature to provide for a guarantee by the state or by a taxing agency of payment of debts incurred by redevelopment agencies. Adopted 54-15.

California Government & Politics Annual

The 1972-72 edition of *California Government and Politics Annual* has just been published. Designed primarily for classroom use, the 100-page booklet consists of reprints of articles from the *California Journal* selected to provide the student with very recent material to supplement a regular text. The price for a single copy of the *Annual* is \$2.25 prepaid. We will be glad to send a complimentary copy to any high school or college faculty member who requests one on school letterhead.

It Was Said...

"When I turned 30 I could sense the difference in the way people treated me . . . It's nothing anybody verbalized, but it's actually true. I'm 30. It's all of a sudden like I've arrived, so to speak."

. . . by Dr. Earl W. Brian Jr., reflecting on his appointment to head the Health and Welfare Agency, the former Human Relations Agency.

"It should be possible for an elected official to

disagree with some of his constituents on an issue without being recalled."

. . . by Senator James Mills of San Diego, reacting to a drive by women to have him recalled because of his vote against California ratification of the proposed Equal Rights Amendments.

"The new populism at Miami Beach had more in common with a Mensa meeting than with the Wednesday night bowling league."

. . . by Robert H. Finch, a counsellor to President Nixon, alluding to the Democratic party's representation at its convention.



LETTER FROM WASHINGTON

By Lou Cannon

A Variety of Reagans

August 27, 1972

A variety of Ronald Reagans were in evidence at the celebration of President Nixon known to the world as the Republican National Convention.

The most conspicuous was the familiar point-with-pride and view-with-alarm Reagan of California political campaigns and Republican fund-raisers, a Reagan who appealed to the "millions of patriotic Democrats who had been disenfranchised by the nomination of George McGovern." This was the Reagan who spoke on prime time as the convention's temporary chairman and who gave a solid, classical political speech exploiting the convention theme that the Republican Party is now the party of the great American center.

Reagan the conservative spokesman also had his day. The California Governor lent his opposition to an amendment that would have made some mild strides toward basing the delegate allocation at the 1976 convention upon Republican voting strength. The rejected amendment, by Representative William Steiger of Wisconsin, was a slightly altered version of a compromise that had been kicking around for several days and that would have split the difference with the conservatives, keeping their formula for delegate allocation but adding some 400 delegates distributed according to voting strength.

This was what it did. What the amendment was described as doing, particularly by Reagan, was another story. The Governor, after scrambling the formula's arithmetic and incorrectly saying that no one had been given an opportunity to study it, conjured up "ghostly echoes" of the Democratic Party convention and compared supporters of the Steiger amendment to McGovernites. Supporters of the amendment were so angered by the inferences of Reagan's speech that they wanted to prolong the floor fight with futile amendments that would have disrupted the convention's carefully programmed evening schedule and damaged party unity in the process.

* * *

So much for the rhetoric and the maneuvering. The whole issue arose in the first place because a federal district court in Washington ruled unconstitutional the party's 24-year-old system of awarding six bonus delegates to each state that voted for a Republican senator, governor or presidential candidate. The court found that this formula did not take into account either the electoral college formula or Republican voting strength or population and hence was inequitable to Republican voters in the populous states. A delegate to the 1972 convention from Illinois, for instance, represented 12 times as many Republican voters as a delegate from Alaska. No formula presented to the Rules Committee would have equalized the representation on a one-Republican, one-vote basis. The most far-reaching reduced the disparity only to about 3-1.

So it was natural, considering the logic of political power, for delegates from Mississippi, Nevada and other thinly populated states to resist delegate reform. It was natural, too, for New York and Pennsylvania and Michigan to want a larger slice of the delegate pie. In fact, at least 45 of the 50 delegations clearly voted what they conceived to be the numerical self-interest of their states rather than conservative or liberal ideology. The conspicuous exceptions and the only ones among the big states were Illinois and California, whose Governor Reagan solidified his support among the Western and Southern states by vociferously joining a battle already won.

On the surface, the 910-434 defeat of the Steiger amendment was a convincing victory for the small-state conservatives. But there were many ironies in the result. The night before, in an effort to avoid a floor fight, the convention Rules Committee tacked on an amendment suggested by the California delegation that awards single bonus delegates to states with a Republican governor, senator or House majority. This feature won't produce enough delegates to make a significant difference at the 1976 convention, but it may be enough to kill the entire formula, since it is in principle identical to the uniform bonus ruled unconstitutional by the federal court.

* * *

Another irony is that the third Reagan present at the convention — presumptive candidate Reagan, who no longer is putting down talk of 1976 — could be the loser if President Nixon were defeated in California while carrying the other populous states. In that eventuality, New York would come to the 1976 convention with about 60 more delegates than California.

The ultimate irony, however, is not Reagan's alone. The Governor made a federalist argument in behalf of treating the small states disproportionately, but he apparently didn't realize that the majority formula is simply a high-risk gamble that shows little regard for federalism. Under the plan approved by the majority, each state that votes for President Nixon in 1972 will receive 4.5 bonus delegates plus additional bonus delegates equal to 60 percent of its electoral vote. This means that if President Nixon carries the South and the rural West while losing the populous industrial states, the 1976 convention will be even more unrepresentative than in the recent past. But since the formula relies largely on electoral votes in awarding its batches of bonus delegates, the big states will have a dominant role if President Nixon carries them in 1972. In that event, big-state representation will be almost what it would have been under the ill-fated Steiger amendment. So the prospective conservative candidates of 1976, whoever they are, stand to have the least influence going into the convention if President Nixon scores a sweep in 1972.

There are few things wholly evil or wholly good. Almost everything, especially of Government policy, is an inseparable compound of the two...

-Abraham Lincoln